FEDERAL REGISTER

VOLUME 33 · NUMBER 45

Wednesday, March 6, 1968 · Washington, D.C.

Pages 4163–4239

Agencies in this issue—

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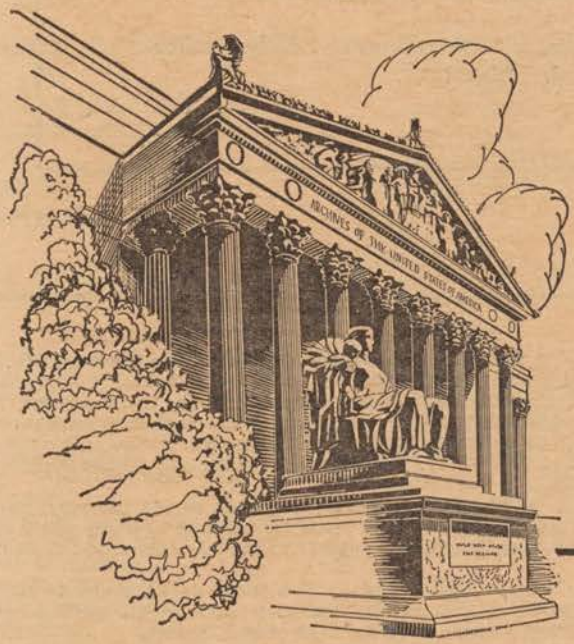

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

Price: 10 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

[Published by the Committee on the Judiciary, House of Representatives]

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

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

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Title 3—THE PRESIDENT

Proclamation 3833

SENIOR CITIZENS MONTH, 1968

By the President of the United States of America

A Proclamation

The respect we show for older Americans is not an act of charity. It comes from the recognition that this generation owes all it possesses to those who have borne responsibility in years past.

We have not always recognized the debt we owe them. It was only three decades ago, with the passage of the original Social Security Act in President Roosevelt's administration, that we first began to respond effectively to our continuing national obligation.

In recent years we have begun to make up this moral deficit:

—This year 24 million older Americans will receive the highest level of Social Security benefits in the history of the program—thanks to the 13 percent increase in benefits we passed last year. *Ninety* percent of our citizens aged 65 and over are now eligible for retirement benefits under Social Security. Millions of older people have been lifted out of conditions of poverty by increased Social Security benefits. Nearly every one of the 78 million wage earners working today has a future retirement protected by Social Security.

—Through Medicare, adopted in 1965, we have at last guaranteed adequate health care to our older citizens—a minimal standard of civilization and decency which required 30 years to achieve. More than 19 million older Americans are now covered by Medicare. During its first year of operation—in fiscal 1967—it paid hospital bills for over 4 million people, and doctor bills for more than 7 million. And it is now providing home health services and other assistance for half a million more.

—Since 1963, we have increased the quality and quantity of housing for our senior citizens. Today the Federal commitment in special housing programs for older citizens totals some $3 billion.

—Under the Older Americans Act, passed in 1967, we have increased educational, recreational, and health services. Today that program includes 650 individual local projects reaching older people in their home communities across the land.

—Demonstration projects are showing us how to make important advances in nutrition, education, transportation and leisure time activities. We are steadily increasing the number of professionally trained individuals who work with and for the elderly.

—We are increasing opportunities for our elder citizens to make use of their talents and experience. Today older Americans serve with great distinction in the VISTA, SCORE, the Foster Grandparent Program, the Peace Corps, and in many community projects and programs of voluntary agencies.

—In 1967 we enacted long-overdue legislation which prohibits discrimination because of age in employment.

This is an extraordinary record of achievement in so short a time. I am proud of it, as every American should be.

But we are still far from the day when we can be satisfied with our achievements. Our goal must be to give each man and woman the opportunity to make his years of retirement also years of accomplishment and meaning, good health and economic security.

Perhaps the greatest need of age is the need to know that one's contributions are still valued. In a society where youth is so highly prized, older men and women need to know that their wisdom and experience are also important to their fellow citizens. Their contributions are one of our nation's most valuable assets—a resource that should be celebrated by every generation of Americans.

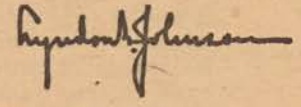
NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the month of May 1968 as Senior Citizens Month.

I call upon the Federal, State and local governments, in partnership with private and voluntary organizations, to join in community efforts to give further meaning to the continuing theme of this special month: MEETING THE CHALLENGE OF THE LATER YEARS.

Let special emphasis this year be placed on making known the contributions that older Americans are making to our welfare. Let us demonstrate the greatness of our society by bringing new meaning and new vigor to the lives of our elders, who built the framework of our present prosperity and greatness.

I invite the Governors of the States, the Governor of the Commonwealth of Puerto Rico, the Commissioner of the District of Columbia, and appropriate officials in other areas subject to the jurisdiction of the United States, to join in the observance of Senior Citizens Month.

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



[F.R. Doc. 68-2845; Filed, Mar. 4, 1968; 4:38 p.m.]

Executive Order 11398

ESTABLISHING THE PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

WHEREAS studies, both private and public, have revealed that, despite progress, there are disturbing deficiencies in the physical fitness of American citizens, particularly the disadvantaged; and

WHEREAS physical fitness and sports participation can significantly enhance an individual's sense of well-being, health status and performance as a responsible member of his community; and

WHEREAS urbanization of this Nation's population and changes in our rural areas have not been accompanied by a commensurate growth in the opportunities available for participation in sports and other physical fitness activities; and

WHEREAS, to keep our Nation moving forward as a vigorous, dynamic people, it is necessary to expand our efforts—both public and private—to foster and encourage participation by youth and adults in physical fitness and sports activities:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *President's Council on Physical Fitness and Sports.* There is hereby established the President's Council on Physical Fitness and Sports (hereinafter referred to as the Council), which shall be composed of the Vice President, who shall be the Chairman, the Secretary of State, the Secretary of Health, Education, and Welfare, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Housing and Urban Development, the Director of the Office of Economic Opportunity, and the Consultant to the President for Physical Fitness. When matters which affect the interests of Federal agencies not represented on the Council are to be considered by the Council, the Chairman shall invite the heads of such agencies to participate in the business of the Council.

SEC. 2. *Functions of the Council.* The Council shall develop policies designed to:

(1) Enlist the active support and assistance of individual citizens, civic groups, professional associations, amateur and professional sport groups, private enterprise, voluntary organizations, and others in efforts to promote and improve physical fitness and sports participation programs for all Americans;

(2) Stimulate, improve, and strengthen coordination of Federal services and programs relating to physical fitness and sports participation;

(3) Encourage State and local governments in efforts to enhance physical fitness and sports participation;

(4) Strengthen the physical fitness of American children, youth, and adults by systematically encouraging the development of community-centered and other physical fitness and sports participation programs;

(5) Improve school health and physical education programs for all pupils, including the handicapped and the physically underdeveloped, by assisting educational agencies in developing quality programs, encouraging innovation, improving teacher preparation, and strengthening State and local leadership;

(6) Develop cooperative programs with medical, dental, and other similar professional societies to encourage and implement sound physical fitness practices; and

(7) Stimulate and encourage research in the areas of physical fitness and sports performance.

SEC. 3. *Citizens Advisory Committee on Physical Fitness and Sports.* (a) There is hereby established the Citizens Advisory Committee on Physical Fitness and Sports (hereinafter referred to as the Committee), which shall be composed of not more than fifteen members appointed by the President. The President shall designate the Chairman of the Committee from among its members, and the Committee shall meet on the call of the Chairman.

(b) The members of the Committee shall receive no compensation from the United States by reason of their service on the Committee, but they shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

SEC. 4. *Functions of the Committee.* (a) The Committee shall advise and assist the Council in evaluating progress made in carrying out the provisions of this order and shall recommend to the Council, as necessary, steps to accelerate progress.

(b) The Committee shall further advise the Council on matters pertaining to ways and means of enhancing opportunities for participation in physical fitness and sports activities and on State, local, and private action to extend and improve physical activity programs and services.

SEC. 5. *Federal agencies.* (a) The Council and the Committee are authorized to request from any Federal department or agency any information deemed necessary to carry out their functions under this order and to utilize the services and facilities of such departments and agencies to the maximum extent possible; and each department and agency is authorized, to the extent permitted by law and within the limits of available funds, to furnish such information, services, and facilities to the Council and the Committee.

(b) Each department or agency the head of which is referred to in section 1 of this order shall, as may be necessary for the purpose of effectuating the provisions of this order, furnish assistance to the Council in accordance with the provisions of section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law. Expenses of the Committee shall be met from funds available to the Council.

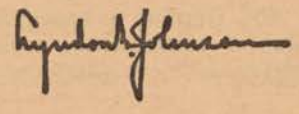
(c) The Department of Health, Education, and Welfare shall furnish necessary administrative services for the Council.

SEC. 6. *Construction.* Nothing in this order shall be construed to abrogate, modify, or restrict any function vested by law in, or assigned pursuant to law to, any Federal department or agency or any officer thereof.

SEC. 7. *Continuity.* The Council established by this order shall be deemed to be a continuation of the President's Council on Physical Fitness.

SEC. 8. *Seal.* Executive Order 10830 of July 24, 1959, prescribing a seal for the President's Council on Youth Fitness, as amended by Executive Order 11074 of January 8, 1963, is further amended by adding the words "and Sports" after the word "Fitness" wherever it appears in said order.

SEC. 9. *Revocation.* Executive Order 11074 of January 8, 1963, is hereby revoked.



THE WHITE HOUSE,
March 4, 1968.

[F.R. Doc. 68-2844; Filed, Mar. 4, 1968; 4:37 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-AL-1]

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

Alteration of Control Zone

On January 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 856) stating that the Federal Aviation Administration was considering amendment to Part 71 of the Federal Aviation Regulations which would modify the Gulkana, Alaska, control zone to provide protected airspace for new VOR instrument approach procedures.

Interested persons were given 30 days to submit written comments or objections regarding the proposed amendment. No comments or objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 25, 1968, as hereinafter set forth:

In § 71.171 (33 F.R. 2058) the Gulkana, Alaska, control zone is amended as follows:

GULKANA, ALASKA

Within a 5-mile radius of the Gulkana Airport (lat. 62°09'20" N., long. 145°27'15" W.); within 3 miles each side of the Gulkana VOR 349° radial extending from the 5-mile radius zone to 13 5 miles north of the VOR; and within 2 miles each side of the Gulkana VOR 182° radial extending from the 5-mile radius zone to 8 miles south of the VOR.

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

Issued in Anchorage, Alaska, on February 26, 1968.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 68-2737; Filed, Mar. 5, 1968; 8:47 a.m.]

[Airspace Docket No. 67-WE-82]

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

Alteration of Control Zone and Transition Area

On January 17, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 576) which would amend Part 71 of the Federal Aviation Regulations by altering the controlled airspace in the Phoenix, Ariz., 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 subject to the following changes:

In § 71.171 the FEDERAL REGISTER citation "* * * (32 F.R. 2081) * * *" is deleted and "* * * (33 F.R. 2069) * * *" is substituted therefor.

In § 71.181 the FEDERAL REGISTER citation "* * *(32 F.R. 2237) * * *" is deleted and "* * * (33 F.R. 2237) * * *" is substituted therefor, and in the ninth line of the description of the Phoenix, Ariz. transition area the geographical coordinate "* * * 112°47'30" * * *" is deleted and "* * * 111°47'30" * * *" is substituted therefor.

Effective date. These amendments shall be effective April 25, 1968.

Issued in Los Angeles, Calif., on February 21, 1968.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 * * * (33 F.R. 2069) the Chandler, Ariz., control zone is amended to read as follows:

CHANDLER, ARIZ.

Within a 5-mile radius of Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.), within 2 miles each side of the Chandler TACAN 117° radial extending from the 5-mile radius zone to 8 miles southeast of the TACAN, within 2 miles each side of the Chandler TACAN 141° radial extending from the 5-mile radius zone to 9 miles southeast of the TACAN, and within 2 miles each side of the Chandler TACAN 314° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN. This control zone is effective from 0700 to 1700 hours local time, Monday through Friday, excluding Federal legal holidays.

* * * * *

In § 71.181 (33 F.R. 2237) the 700-foot portion of the Phoenix, Ariz., transition area is amended to read as follows:

PHOENIX, ARIZ.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°48'30" N., longitude 112°15'00" W., direct to latitude 33°34'45" N., longitude 111°32'15" W., thence clockwise via the arc of a 20-mile radius circle centered on Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.) to latitude 33°02'30" N., longitude 111°47'30" W., thence direct to latitude 33°16'00" N., longitude 112°31'00" W., thence via an arc of a 20-mile radius circle centered on Luke AFB (latitude to point of biginning; * * * 33°32'05" N., longitude 112°22'55" W.)

[F.R. Doc. 68-2738; Filed, Mar. 5, 1968; 8:47 a.m.]

[Airspace Docket No. 66-WA-33]

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

Alteration of Positive Control Area

On November 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15491) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations which would expand positive control area so as to include several small areas along the United States/Canadian border which are not designated as positive control areas.

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., April 25, 1968, as hereinafter set forth.

In § 71.193 (33 F.R. 2278) the following actions are taken:

1. All between "latitude 48°30'00" N., longitude 124°45'00" W.; thence along the United States/Canadian border to" and "latitude 49°00'00" N., longitude 100°00'00" W.;" is deleted.

2. All between "latitude 47°40'40" N., longitude 86°46'00" W.; thence along the United States/Canadian border to" and "latitude 44°48'00" N., longitude 66°53'00" W.;" is deleted.

3. All between "latitude 43°52'00" N., longitude 82°11'20" W.; thence along the United States/Canadian border to" and "latitude 44°48'00" N., longitude 66°53'00" W.;" is deleted.

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

Issued in Washington, D.C., on February 27, 1968.

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

[F.R. Doc. 68-2739; Filed, Mar. 5, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-8]

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

Alteration of Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Greensville, N.C., Manning, S.C., and Valdosta, Ga., transition areas.

The Greenville and Valdosta transition areas are described in § 71.181 (33 F.R. 2137).

The Manning transition area is described in § 71.181 (33 F.R. 2137 and 2627).

In the Greenville transition area description, an extension is predicated on the 013° bearing from the Greenville NDB. A refined plotting places the NDB outside the 5-mile radius area. Additionally, Coast and Geodetic Survey has refined the final approach bearings for the NDB–RWY–19 standard instrument approach procedure to the 007° and 187° bearings, respectively.

In the Manning transition area description, the geographic coordinate for the Clarendon County Airport was published as latitude 33°35'13" N., longitude 80°12'27" W. Coast and Geodetic Survey has verified the geographic coordinate as "latitude 33°35'13" N., longitude 80°12'32" W."

In the Valdosta transition area, reference is made to Turner Air Force Base. The name of this airport has been changed to NAS Albany.

Since these amendments are either minor, editorial in nature, or in the interest of safety, notice and public procedure hereon are unnecessary, and these changes are incorporated in this rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effectively immediately, as hereinafter set forth.

In § 71.181 (33 F.R. 2137), the Greenville, N.C., transition area is amended as follows:

"* * * within 2 miles each side of the 013° bearing from the Greenville NDB * * *" is deleted and "* * * within 2 miles each side of the 007° and 187° bearings from the Greenville NDB * * *" is substituted therefor.

In § 71.181 (33 F.R. 2137), the Manning, S.C., transition area (33 F.R. 2627) is amended as follows:

"* * * Clarendon County Airport (lat. 33°35'13" N., long. 80°12'27" W.); * * *" is deleted and "* * * Clarendon County Airport (lat. 33°35'13" N., long. 80°12'32" W.); * * *" is substituted therefor.

In § 71.181 (33 F.R. 2137), the Valdosta, Ga., transition area is amended as follows:

"* * * 40-mile arc centered on Turner Air Force Base * * *" is deleted and "* * * 40-mile arc centered on NAS Albany * * *" is substituted therefor.

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

Issued in East Point, Ga., on February 21, 1968.

GORDON A. WILLIAMS, Jr.
Acting Director, Southern Region.

[F.R. Doc. 68-2741; Filed, Mar. 5, 1968; 8:47 a.m.]

[Airspace Docket No. 66-SO-90]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On December 6, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 17488) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter R–7103, Salinas, P.R., by adding two smaller areas adjacent to the southeast and southwest boundaries of R–7103.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was from the Air Transport Association and they interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 25, 1968, as hereinafter set forth.

In § 73.71 (33 F.R. 2346) R–7103, Salinas, P.R., is amended to read:

R–7103 SALINAS, P.R.

SUBAREA A

Boundaries: Beginning at lat. 18°03'00" N., long. 66°14'35" W.; to lat. 18°01'16" N., long. 66°15'14" W.; to lat. 17°59'57" N., long. 66°16'00" W.; to lat. 17°59'16" N., long. 66°17'11" W.; to lat. 18°01'00" N., long. 66°19'58" W.; to lat. 18°01'53" N., long. 66°18'53" W.; to lat. 18°02'34" N., long. 66°18'47" W.; to lat. 18°03'25" N., long. 66°17'54" W.; to lat. 18°04'07" N., long. 66°17'00" W.; to point of beginning.

SUBAREA B

Boundaries: Beginning at lat. 18°03'00" N., long. 66°14'35" W.; to lat. 18°02'37" N., long. 66°13'39" W.; to lat. 17°58'53" N., long. 66°15'22" W.; to lat. 17°58'30" N., long. 66°16'30" W.; to lat. 17°59'00" N., long. 66°17'37" W.; to lat. 17°59'16" N., long. 66°17'11" W.; to lat. 17°59'57" N., long. 66°16'00" W.; to lat. 18°01'16" N., long. 66°15'14" W.; to point of beginning.

SUBAREA C

Beginning at lat. 17°59'16" N., long. 66°17'11" W.; to lat. 17°59'00" N., long. 66°17'37" W.; to lat. 17°59'44" N., long. 66°19'17" W.; to lat. 18°00'27" N., long. 66°18'58" W.; to point of beginning.

Designated altitude: Subarea A, surface to 12,000 feet MSL. Subarea B, 3,000 feet MSL to 12,000 feet MSL. Subarea C, 2,000 feet MSL to 12,000 feet MSL.

Time of designation: Continuous, June 1 through August 31, other times as activated by NOTAMs issued at least 24 hours in advance.

Controlling agency: Federal Aviation Administration, San Juan ARTC Center.

Using agency: The Adjutant General, Commonwealth of Puerto Rico.

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

Issued in Washington, D.C., on February 26, 1968.

ROBERT W. MARTIN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 68-2740; Filed, Mar. 5, 1968; 8:47 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 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4-(Methylsulfonyl)-2,6-Dinitro-*N,N*-Dipropylaniline

A petition (PP 7F0561) was filed by Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, requesting tolerances for negligible residues of the herbicide 4-(methylsulfonyl-2.6-dinitro-*N,N*-dipropylaniline in or on the raw agricultural commodities cotton seed and soybeans at 0.25 part per million. Data in the petition show that a tolerance of 0.1 part per million is adequate.

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

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.237 4 - (Methylsulfonyl) - 2,6, - dinitro - *N,N* - dipropylaniline; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 4-(methylsulfonyl) - 2,6 - dinitro - *N,N*-dipropylaniline in or on the raw agricultural commodities cottonseed and soybeans at 0.1 part per million.

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

by a memorandum or brief in support thereof.

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

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

Dated: February 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2765; Filed, Mar. 5, 1968; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

RADIOFREQUENCY RADIATION

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 8M2205) filed by Armour and Co., Box 9222, Chicago, Ill. 60690, and other relevant material, has concluded that § 121.3008 of the food additive regulations should be revised to provide for the safe use of radiofrequency radiation including microwaves as a source of heat in food processing. 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), § 121.3008 is revised to read as follows:

§ 121.3008 Radiofrequency radiation (including microwave frequencies) for the heating of food.

Radiofrequency radiation (including microwave frequencies) may be safely used for heating food under the following conditions:

(a) The radiation source consists of electronic equipment producing radio waves with specific frequencies for this purpose authorized by the Federal Communications Commission.

(b) The radiation is used or intended for use in the production of heat in food wherever heat is necessary and effective in the treatment or processing of food.

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

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

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

Dated: February 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2766; Filed, Mar. 5, 1968; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

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

PART 1001—GENERAL PROVISIONS

1. Section 1001.201–55 is revised; § 1001.313–50 is amended by adding two sentences; § 1001.405 is amended by revising the introduction and paragraph (a); § 1001.405–1 is amended by adding a new subparagraph (4) to paragraph (a); § 1001.453 is amended by revising the introduction, paragraph (a), and paragraph (j)(1)(ii) (*a*) and (*d*) § 1001.455 is amended by revising paragraphs (b) and (c); and § 1001.456 is amended by revising paragraphs (a) and (b) (2) and deleting the note at the end of paragraph (b)(4). These sections now read as follows:

Subpart B—Definition of Terms

§ 1001.201–55 Base procurement.

Any AF installation engaged in local purchase is a base procurement activity. Except as authorized by §§ 1003.607–2, 1004.2102(a), 1004.2103, and 1004.5102 of this subchapter, the local purchase (and sales contracting) function will be consolidated under one office at AF installations. The base procurement office is the centralized purchasing office engaged in local purchase at an AF installation.

Subpart C—General Policies

§ 1001.313–50 Initial procurement.

* * * Those contracts issued prior to July 1, 1967, citing provisioning documents, reference Part 1055 of this subchapter, which contain a 90-day limitation on issuance of spares orders prior to delivery of the last production article are exempt, when approved, from the foregoing provisions of this section (unless limited by D&F under 10 U.S.C. 2304 (a)(14) per § 1003.214–50 of this subchapter). Approval for such exemptions will be obtained on a case-by-case basis from the Procurement Committee at the ordering activity.

Subpart D—Procurement Responsibility and Authority

§ 1001.405 Selection, appointment, and termination of appointment of contracting officers.

Contracting officers and their representatives, as defined in § 1.201–3 of his title, will be those designated by the persons listed, or by persons who are authorized in writing by the persons listed to designate contracting officers within the meaning of that term as used throughout Subchapter A, Chapter I of this title and this subchapter: Secretary of the Air Force (as defined in § 1.201–15 of this title); Deputy Chief of Staff, Systems and Logistics; Director of Procurement Policy, Office of the Deputy Chief of Staff, Systems and Logistics; Heads of procuring activities (Commanders, AFLC and AFSC).

(a) *AFLC authority to designate contracting officers and their representatives.* Pursuant to § 1001.456, this authority has been redelegated by Director of Procurement and Production, Hq AFLC, subject Delegation Memorandum of January 27, 1965, to activities cited in § 1001.455(b).

* * * * *

§ 1001.405–1 Selection.

* * * * *

(a) * * *

(4) Individuals, military or civilian, authorized to be designated contracting officers under the provisions of §§ 1004.2102(a), 1004.2103, and 1004.5102 of this subchapter.

* * * * *

§ 1001.453 Delegations of authority.

Certain specific delegation of authority instructions with respect to procurement are referenced in subsequent sections of this subpart. In addition to limitations and conditions applicable to individual delegations and included therewith, the provisions of this section apply to all delegations of procurement authority and are published in this section to eliminate their repetition.

(a) The exercise of the delegated authorities will be subject to the applicable provisions of Subchapter A, Chapter I of this title and this subchapter, and other directives issued by proper authority, except that emergency procurements in combat areas or areas subject to hostile fire will be accomplished in the manner prescribed by the commander of the combat theatre or by the commander of the major command responsible for logistic support of AF units involved. The provisions of Subchapter A, Chapter I of this title and this subchapter apply to procurement in oversea areas for Government and Relief in Occupied Areas (GARIOA) chargeable to annual appropriations for such purposes.

* * * * *

(j) * * *
(1) * * *
(ii) * * *

(*a*) A statement of all pertinent facts of the transaction, accompanied by a file of all relevant documents and records, will be forwarded (over the signature of the base commander or officer who has command over the installation in which the unauthorized act occurred) to the DCS/materiel or equivalent staff office of the respective major command or to the AFLC or AFSC activity designated the ratification authority. Cases involving tenant organizations will be forwarded to the major command to which the tenant is assigned. The statement will include description of any disciplinary action taken or an explanation why none was considered necessary and a description of action taken to prevent recurrence of the unauthorized act. In the case of tenant organizations or nontenant individual not under the jurisdiction of the installation commander, a statement pertaining to disciplinary action will be furnished by the appropriate commander. The individual having committed the unauthorized act will be responsible for furnishing to the contracting officer all the pertinent facts, records, and documentation concerning the transaction. The contracting officer will be responsible for: (*1*) Reviewing and determining adequacy of all facts, records, and documentation furnished; (*2*) preparing the statement of facts; and (*3*) obtaining approval as to legal sufficiency from the local staff judge advocate as to whether the transaction is ratifiable or whether the matter should be processed under Part 17 of this title (Public Law 85–504) or as a GAO claim; (*4*) stating whether the prices involved are considered fair and reasonable.

* * * * *

(*d*) The individuals responsible for ratification in the major commands (other than AFSC), and AFLC activities will advise AFLC (MCPP), and the commanders of AFSC activities will advise AFSC (SCKP), of each transaction submitted for review under this subparagraph indicating whether or not the transaction was ratified. This written notification should identify the base involved, the commodity or service procured, and the dollar amount of the transaction.

* * * * *

§ 1001.455 General procurement authority.

* * * * *

(b) *AFLC authority.* This authority has been redelegated by Commander of AFLC subject Delegation Memorandum, July 8, 1966, to the Director, Deputy Director, and Assistant to the Director of Procurement and Production, Hq AFLC, and to all commanders of major commands (only base procurement for AFSC), air materiel areas, procurement regions, 2750 Air Base Wing, 2802 Inertial Guidance and Calibration Group, USAF Air Attaches, and USAF Missions.

(c) *AFSC authority.* This authority has been redelegated by the Commander, Hq AFSC, to the Deputy Chief of Staff, Procurement and Production, and the Assistant Deputy Chief of Staff, Procurement and Production, Hq AFSC, and further redelegated by letters of delegation to commanders and vice commanders of AFSC divisions, centers, and the Office of Aerospace Research with power of redelegation.

§ 1001.456 Designation of heads of procuring activities.

(a) Commanders of AFLC and AFSC are each designated as "a Head of a Procuring Activity" within the Department of the Air Force by SAFO 660.1 dated June 29, 1961. The Director of Procurement and Production, Hq AFLC and the DCS/Procurement and Production, Hq AFSC, have been authorized by Hq USAF (AFSPP–S) letter dated June 12, 1963, subject: "Deviation from ASPR Requirements Concerning Actions by Head of a Procuring Activity," to act for their respective commanders in exercising Subchapter A, Chapter I of this title prescribed responsibilities vested only in the "Head of a Procuring Activity." This authority is not applicable to Part 17, Subchapter A, Chapter I of this title, Extraordinary Contractual Actions to Facilitate the National Defense.

(b) * * *

(2) Commanders of AFLC air materiel areas, APRE, APRFE, and 2750th Air Base Wing with power of redelegation to directors of procurement and production in AFLC AMAs, APRE, and APRFE, and in the 2750 AB Wg to the Director of Procurement, with further power of redelegation to a level higher than the contracting officer, except for those citations specifically set forth which will be retained at director level:

(i) § 1.328 of this title.
(ii) § 1.1007 of this title.
(iii) § 7.103–24 of this title.
(iv) § 7.302–27 of this title.
(v) § 7.503–9 of this title.
(vi) § 9.202–2(g) of this title.
(vii) § 30.2, B–304.1 of this title.

The authority of § 1.405 of this title is not redelegable below the Commander and Deputy Commander because of the delegation cited in § 1001.405.

* * * * *

(4) * * *

NOTE [Deleted]

Subpart G—Small Business Concerns

2. Section 1001.705–4 is revised; § 1001.707–4 is deleted; and new Subpart I is added to read as follows:

§ 1001.705–4 Certificates of competency.

(a) and (b) No implementation.
(c) (1) No implementation.

(2) When a matter is referred to SBA, the contracting officer will furnish two copies of his determination pursuant to § 1.904–1 of this title and two copies of the pre-award survey through channels to AFLC (MCP) or AFSC (SCK) as appropriate. MCP or SCK will, after review, forward the matter to SAFIL through Hq USAF (AFSPPBB).

(d) and (e) No implementation.

(f) After a complete exchange of preaward survey information with SBA at the local level:

(1) If the additional facts presented by SBA in the exchange of preaward survey information do not warrant withdrawal of the determination of nonresponsibility, the contracting officer will withhold award and request the local SBA office to forward the matter to SBA in Washington, D.C. Verbal requests will be confirmed in writing. After taking the action in subdivisions (i) and (ii) of this subparagraph, the contracting officer will then wait until notified pursuant to subdivision (iii) or (viii) of this subparagraph.

(i) After requesting referral to SBA, the contracting officer will advise AFSPPBB and MCP or SCK, as appropriate, by message of his actions.

(ii) The contracting officer will furnish MCP or SCK, as appropriate, with all the facts in the case, including an outline of actions taken to reach an agreement with SBA at field level.

(iii) If MCP or SCK, as appropriate, after a review of the material furnished by the contracting officer and after consideration of the SBA tentative finding, agrees that the Air Force has a case that warrants a presentation to SBA, MCP, or SCK, as appropriate, will direct the preparation of a formal briefing for presentation to SBA after review and concurrence by AFSPP and SAFILP.

(iv) MCP or SCK, as appropriate, will immediately notify SAFILP through AFSPPBB as to the decision. If the decision is affirmative, AFSPPBB will prepare a letter for SAFIL signature requesting Hq SBA to review the affirmative certificate of competency action of the SBA field office. Upon receipt of notification from Hq SBA as to whether it concurs or does not concur with its field activity, AFSPPBB will promptly notify MCP or SCK, as appropriate. If the decision of Hq SBA is affirmative, MCP or SCK, as appropriate, will either proceed with the preparation of the formal briefing for AFSPP and SAFILP, and will notify AFSPPBB as to the date it will be presented or will follow the procedures in ASPR 1–705.4(f)(iii).

(v) AFSPPBB will make all necessary arrangements for briefing AFSPP and SAFILP. The AFSPP and SAFILP briefing may be simultaneous at the option of AFSPP. If SAFILP concurs, OASD–BD (I&L) may be invited to the SAFILP briefing in the interest of saving time.

(vi) MCP or SCK, as appropriate, will designate the briefer and any backup deemed necessary.

(vii) A separate file on each COC case will be maintained in AFSPPBB. Statistics will be presented when requested to AFSPP and SAFILP.

(viii) If either MCP, SCK, AFSPP, or SAFILP determines that the AF case will not support an appeal to higher authority or to SBA, the contracting officer will be so notified in writing, directed to withdraw the determination of nonresponsibility from SBA, and to proceed with

the award. The notification will be placed in the contract file. Notification to Hq SBA will be made by SAFILP.

(2) No implementation.

(3) Actions taken pursuant to ASPR 1-705.4(f)(iii) will be processed through the same channels as outlined in subparagraph (1) of this paragraph. AFSPPBB will prepare the OASD (I&L) notice for SAFILP.

§ 1001.707-4 Responsibility for reviewing the subcontracting program. [Deleted]

Subpart I—Responsible Prospective Contractors

§ 1001.905-50 Air Force Contractor Experience List.

(a) *General.* The Director of Procurement Policy (AFSPP), Hq USAF, will maintain an Air Force Contractor Experience List (AFCEL). The AFCEL, and all correspondence disclosing the names of contractors proposed to be included on the AFCEL, will be marked "FOR OFFICIAL USE ONLY," unless a higher security classification is required. The AFCEL will not be released outside the Government and information contained therein will not be made available for inspection by private individuals, firms, or trade organizations.

(b) *Purpose.* The AFCEL is intended solely to aid contracting officers in determining current responsibility of potential contractors, as required by Subpart I, Part 1 of this title. The AFCEL facilitates the exchange between purchasing offices and contract administration offices of information respecting current unsatisfactory performance by contractors or of other data bearing on the contractor's responsibility to perform under contract with the Air Force. The final determination of responsibility rests solely with the contracting officer and must be made on the basis of his current evaluation in each individual case.

(c) *Limitation on use of the AFCEL.* The listing of a contractor on the AFCEL must not be interpreted to mean that the listed contractor will not be given an opportunity to bid or quote on a proposed procurement; that negotiations cannot be carried on with the contractor; or that award cannot be made to such contractor. The AFCEL has no relationship to the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors, and the inclusion of any contractor on the AFCEL will not, in any sense be regarded as a determination of debarment or ineligibility. These procedures do not apply to foreign procurements.

(d) *Procedures*—(1) *Written notification to contractor.* If the purchasing office or the contract administration office responsible for an AF contract (either office is hereinafter defined as the recommending activity) determines that a contractor's current performance is so unsatisfactory as to warrant a recommendation for AFCEL listing, due to any of the reasons listed in paragraph (f) of this section, a notice of proposed AFCEL listing will be forwarded to the contractor's top management (see paragraph (h)(1) of this section for suggested format). The notice will state the specific deficiencies and ask for a reply within fifteen (15) days to include reasons why the contractor should not be listed on the AFCEL and/or what corrective action is proposed in lieu of such listing. The letter will be signed at a level no lower than the contracting officer (or higher level authority, as determined by the major command concerned), with an information copy furnished the purchasing office or contract administration office, as applicable.

(2) *Formal recommendation.* If the contractor does not respond within 15 days, or if the response is unsatisfactory, the recommending activity will immediately recommend the contractor for AFCEL listing, furnishing a copy of the recommendation to the purchasing office or contract administration office, as applicable. (In addition, the contractor will be advised in writing of the recommending activity's decision to recommend the contractor for AFCEL listing. See paragraph (h)(1) of this section for suggested format.) Recommendations for AFCEL listing will be signed at a level no lower than the contracting officer (or higher level authority, as determined by the major command concerned), and will contain at least the following information:

(i) Contractor's name and location.

(ii) Contract number and effective date.

(iii) Identification of purchasing office.

(iv) Procuring contracting officer.

(v) Contract administration office.

(vi) Item procured.

(vii) Type of contract and dollar value.

(viii) Contract delivery dates.

(ix) Narrative of what contract requirements were breached, and what the contractor's actual performance was, or other reasons for the recommended listing (if contractor's performance is considered less than satisfactory for only certain product lines or services, such qualification will be specifically identified in the recommendation and any subsequent listing on the AFCEL will be so annotated).

(x) Copies of the exchange of correspondence with the contractor required by subparagraph (1) of this paragraph and this subdivision will be attached to the recommendation.

NOTE: Care must be taken to insure that the case file, upon receipt at Hq USAF, is sufficiently documented to support the recommendation.

(3) *Processing recommendations.* All recommendations for AFCEL listing will be forwarded to AFSC (SCKAB), Andrews AFB, Washington, D.C. 20331, when AFSC activities performed the buying function, and through command channels to AFLC (MCPK), Wright-Patterson AFB, Ohio 45433, when the buying function was accomplished by any other AF organization. Approved recommendations will be forwarded to reach the appropriate command (AFSC or AFLC) not later than 30 calendar days after initial written notification to the contractor. AFSC and AFLC will be responsible for meeting the Hq USAF (AFSPPD) suspense of receipt within 45 calendar days after initial written notification to the contractor.

(4) *Final action on recommendation.* Hq USAF (AFSPP), as the approving authority, will advise the contractor by letter if the recommendation to place the contractor on the AFCEL is approved, forwarding copies of such letters to the applicable purchasing and contract administration offices, and to AFSC or AFLC, as appropriate. An updated AFCEL will be issued quarterly by Hq USAF and distributed within the Air Force to AFSC and AFLC. AFSC and AFLC will distribute the AFCEL to their respective cognizant activities. In addition, AFLC will make distribution to the major commands. Hq USAF (AFSPPD) will issue changes to the AFCEL as necessary and distribute the changes to AFSC and AFLC for further distribution as outlined herein. Hq USAF (AFSPPD) will promptly advise AFSC or AFLC of each disapproved recommendation for subsequent dissemination to interested field activities.

(5) *AFCEL review.* (i) The recommending activity is primarily responsible for the continuing review of contractors currently on the AFCEL. Each contractor on the current AFCEL will be specifically reviewed by the recommending activity within 45 days after each quarterly publication of the AFCEL. If the purchasing office is the recommending activity, the appropriate contract administration activity will be contacted to determine the existence of current Department of Defense contracts and obtain an evaluation of the contractor's current performance.

(ii) A contractor may be recommended for removal from the AFCEL after a minimum period of 1 year when this quarterly review results in:

(*a*) An inability to locate a contractor.

(*b*) Evidence that a contractor has ceased operations.

(*c*) A contractor advising that he will seek no further Government business.

(iii) In the case of a contractor placed on the AFCEL due to default (Code T), removal action will normally not be recommended prior to:

(*a*) The termination for default being converted to a termination for convenience.

(*b*) The contractor's position being substantially upheld by the Armed Services Board of Contract Appeals (ASBCA).

(*c*) A minimum period of one (1) year from date of placement on the AFCEL (whichever of the above actions occurs first).

(iv) A statement that the above quarterly review has been accomplished will be promptly forwarded to Hq USAF (AFSPPD) through channels outlined in subparagraph (3) of this paragraph. This statement will either advise that continued listing on the AFCEL is appropriate (including validation of letter coding) (see paragraph (f) of this section), or recommend removal therefrom. Recommendations for removal will be specifically substantiated. Removal action

will be recommended promptly and by the most expeditious means (including electrical transmission, if appropriate) when the contractor has corrected the deficiency for which he was recommended for AFCEL listing (and no other major deficiencies exist), rather than waiting for the quarterly review of the AFCEL. When a removal decision is made, Hq USAF (AFSPPD) will promptly advise the contractor by letter of his removal from the AFCEL, and concurrently will notify AFSC or AFLC for subsequent dissemination to field activities.

(e) *Use of the AFCEL.* Before making an award to a contractor whose name appears on the AFCEL, a preaward survey will be requested by the contracting officer, directing attention to the fact that the contractor is on the AFCEL and citing the specific reasons. The contracting officer will direct that the reasons for AFCEL listing be specifically evaluated during conduct of such preaward survey. Exceptions to this requirement will be in writing and approved by the director of procurement, or chief of the buying activity, as appropriate.

(f) *Reasons for listing contractors.* Contractors may be considered for inclusion on the AFCEL for the following reasons and identified by the letter coding as follows:

(1) F—Contractors who have a less than adequate financial capability for contract performance: Recommendation for inclusion of such contractors on the AFCEL must be supported by current financial data evidencing lack of financial capability, and evidence that financial support is not available.

(2) T—Contractors, other than those included on the joint consolidated list of debarred, ineligible, and suspended contractors, who have had one or more contracts terminated for default: The documentation in support of the recommendation will cite the contracts terminated for default, the dates, supplies or services covered by the contracts, reasons for such terminations, and results of any appeal action or other disposition of the default case (if available).

(3) D—Contractors who have a less than satisfactory record of delivery on one or more contracts: A summary of the frequency, duration, and seriousness of late deliveries considered to be the fault of the contractor will be furnished.

(4) Q—Contractors who fail to meet the quality standards established by the contract: A current evaluation of the contractor's quality control plan or inspection system will support the recommendation.

(5) M—Contractors whose performance is considered unsatisfactory or whose responsibility is questioned for other reasons: The recommendations must specify the particular area in which the inadequacy is considered to exist.

(g) *Defense Supply Agency (DSA) implementation.* DSA Regulation No. 8335.1, Contractor Experience List (CEL), Contract Administration Services, provides information to the Defense Contract Administration Services (DCAS) organizations as to the existence of Air Force and Navy Contractor Experience Lists, the criteria for listings and the effects of listings. It also provides information to the DCAS organizations for the submission of nominations for contractors to be included on these lists. Hq USAF effects distribution of the AFCEL to DSA for distribution to each DCAS organization.

(h) *Suggested letters to contractors.* The following are suggested formats for (1) The initial notice to contractor top management, and (2) notification to contractor top managment that a formal recommendation will be made.

(1) Suggested format for initial notice to contractor (letterhead of recommending activity):

Mr. _____ President,
_____ (Contractor's name
_____and address).

Dear Mr. _____:

The Air Force has established a list of contractors whose performance has been determined to be unsatisfactory. This list is the Air Force Contractor Experience List (AFCEL). The procedure for listing contractors on the AFCEL is set forth in the Air Force Procurement Instruction (AFPI), Section I, Part 9.

This is to notify you that the Air Force finds your performance on Contract _____ to be unsatisfactory. (State specific deficiencies.)

Action is in process to recommend you for placement on the AFCEL. However, you are being afforded an opportunity to provide reasons why this action should not be taken and/or what corrective actions you propose to take to resolve the above cited deficiencies.

Your response should be forwarded to this office on or before _____ (15 days.)

Sincerely,

_____
(Contracting Officer or higher level authority)

(2) Suggested format if response is received and recommendation will be made (letterhead of recommending activity):

Mr. _____ President,
_____(Contractors name
_____and address).

Dear Mr. _____:

Your response has been carefully reviewed and analyzed by the responsible Air Force representatives, and the decision to place you on the Air Force Contractor Experience List (AFCEL) is still considered appropriate.

Accordingly, action is being taken to recommend you for placement on the AFCEL. The record of your performance on present or future contracts will be reviewed at least quarterly. At such time as there is assurance that effective action has been taken to correct the unsatisfactory condition, action will be taken to recommend that your company be removed from the AFCEL.

Your placement on the list will not in any way prevent you from bidding on or submitting proposals for future contracts. The list will, however, alert contracting officers to companies whose performance has been determined to be currently unsatisfactory.

Any further information which you feel is appropriate to this recommendation should be forwarded directly to Hq USAF (AFSPPD), Washington, D.C. 20330.

It is sincerely hoped that you correct the conditions that prompted this recommendation.

Sincerely,

_____
(Contracting Officer or higher level authority)

(Sec. 8012, 70A Stat. 488; secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314)

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

3. Section 1002.407–9 is amended by adding a new (i) to paragraph (b)(2)(i) as follows:

§ 1002.407–9 Protests against awards.

* * * * *

(b) * * *

(2) * * *

(i) * * *

(*i*) If protest is against determination of nonresponsibility by the contracting officer, a statement will be included in the protest file keyed to the applicable paragraph of § 1.903 of this title. Complete documentation supporting such determination will be included in the file. If the determination involves the nonresponsibility of a small business concern, the statement will indicate actions taken and/or determinations made pursuant to § 1.705–4 of this title, with particular reference to § 1.705–4(c)(6) of this title, where applicable.

* * * * *

PART 1003—PROCUREMENT BY NEGOTIATION

4. Section 1003.408 is amended by deleting paragraph (d); § 1003.605–8 is amended by revising the last sentence of paragraph (a); § 1003.608–6 is amended by revising paragraphs (b) and (d); § 1003.608–8 is revised; § 1003.608–50 is deleted; and § 1003.609–49 is revised. These sections now read as follows:

Subpart D—Types of Contracts

§ 1003.408 Letter contract.

* * * * *

(d) [Deleted]

* * * * *

Subpart F—Small Purchases

§ 1003.605–8 Prepriced BPA's.

* * * * *

(a) * * * A memo explaining absence of competition will be placed in the BPA file for all calls in excess of $250, placed without competition.

* * * * *

§ 1003.608–6 Use of DD Form 1155 as a delivery order.

* * * * *

(b) The responsibility for scheduling deliveries under indefinite delivery contracts, except as provided by § 1004.5100 of this subchapter, rests with the procurement office. However, the nature of certain supplies and services makes it advisable to permit requiring activities to schedule such deliveries. These supplies are usually items that do not lend themselves to normal warehouse storage and requisitioning procedures. These services are those that are not susceptible to planned scheduling because the frequency of need for the service varies from day to day. To provide for expeditious ordering of such supplies and services under indefinite delivery contracts,

the contracting officer may issue a delivery order that delegates the scheduling of deliveries to a member of the requiring activity, if authorized by paragraph (d) of this section. Such delivery orders may be referred to as Blanket Delivery Orders (BDO). Blanket delivery orders against indefinite delivery contracts may be issued for periods equal to fund availability, e.g., month, fiscal quarter, annual. Succeeding orders, if appropriate, may be placed by change order (containing the information required by paragraph (d)(5)(i) of this section against the initial blanket delivery order.

* * * * *

(d) The following procedures apply to:

(1) Products listed in Supply Bulletins issued by the Defense Subsistence Supply Center that satisfy paragraph (b) of this section. However, permission must be obtained from the supplier if not specifically authorized by the Supply Bulletin.

(2) Commissary requirements not listed in Supply Bulletins that satisfy paragraph (b) of this section.

(3) All services of a recurring nature.

(4) Motor vehicle and equipment repair parts obtained from an on-base contractor-operated vehicle parts store.

(5) All other supplies and services, provided the procurement office schedules deliveries.

(i) Upon receipt of the purchase request, the contracting officer will submit a delivery order (DD Form 1155) to the contractor for the estimated requirements for the period covered. The delivery order will not itemize the items listed on the contract but will cite the appropriate accounting classification and will contain a statement similar to the following:

For * * * products covered by Contract No. * * * to be delivered during the month(s) * * * as scheduled by the * * * officer. Aggregate monetary total of all deliveries made against this delivery order shall not exceed $ * * * unless authorized in writing by the contracting officer.

(ii) The activity scheduling deliveries will maintain records to insure that designated monetary limitations are not exceeded. AFPI Form 3F will be used for this purpose. Orders will be placed in numerical sequence and recorded. The sequence of recording scheduled deliveries will run for the duration of the delivery order.

(iii) On the last day of the month the requiring activity will prepare a consolidated receiving report (by line item of the contract) for all deliveries made during the monthly period. Obligations will be recorded and reported in the calendar month in which they are incurred. One copy of each consolidated receiving report prepared will be furnished to complete the files in the base procurement office.

(iv) AF activities desiring to allow a requiring activity to schedule deliveries of supplies and services not authorized in this paragraph will forward a request for approval with complete justification to AFLC (MCPPL).

§ 1003.608–8 Order-invoice-voucher method.

(a) through (c) No implementation.

(d) AF activities will use DD Form 1155 as an order-invoice-voucher in lieu of Standard Form 44 except that individuals or teams operating in remote locations may use Standard Form 44, Purchase Order-Invoice Voucher.

§ 1003.608–50 Blanket delivery orders. [Deleted]

§ 1003.609–49 Funding and payment procedures.

(a) Funding will be according to AFM 177–102, paragraph 20253. The motor vehicle transportation officer (MVTO) will furnish the accounting and finance officer at the beginning of each month an estimate of expenditures. Monthly adjustments will be made according to paragraph 20411, AFM 177–102.

(b) The motor vehicle transportation officer will accumulate all delivery tickets generated for purchases during the month. Upon receipt of an invoice the motor vehicle transportation officer will match the delivery tickets against the invoice, and if correct, will execute the following certificate, "I certify that the items listed on this invoice have been received and that the total amount due the contractor is correct." The invoice will then be forwarded through the contracting officer, for preparation of procurement management reports, assignment of a delivery order number for identification, and issuance of necessary tax exemption certificates (SF 1094), to the accounting and finance officer for payment. If the invoice is not correctly prepared, the invoice and delivery tickets will be forwarded to the contracting officer for resolution.

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

5. Subpart YY is revised to read as follows:

Subpart YY—Procurement Support of AF Commissaries

Sec.

AUTHORITY: The provisions of this Subpart YY issued under sec. 8012, 70A Stat. 488; secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314.

Subpart YY—Procurement Support of AF Commissaries

§ 1004.5100 Scope of subpart.

This subpart contains instructions for appointment, and termination of appointment of personnel in the commissary office as contracting officers.

§ 1004.5101 Applicability of subpart.

This subpart applies to all AF bases in CONUS, Alaska, and Hawaii having AF commissaries.

§ 1004.5102 Policy.

The commissary officer and an alternate in the commissary office may be appointed contracting officers upon written request of the installation commander according to § 1001.405–2 of this subchapter.

§ 1004.5103 Appointment.

Appointment will be by the authorities designated in § 1001.405 of this subchapter. Commissary personnel recommended for appointment need meet only those requirements of § 1.405–1(a) of this title necessary to insure proper performance of the functions within the limited scope of the appointment. Personnel must be knowledgeable in the preparation, processing, and administration (except breach, termination and disputes proceedings) of delivery orders, and understand Part 920 of this chapter. Requests for appointment will state that incumbents recommended for appointment are knowledgeable in these areas. Termination of appointment will be according to § 1.405–3 of this title.

§ 1004.5104 Limitation of authority.

Authority of contracting officers appointed according to this subpart is limited to preparation, distribution, and administration (except breach, termination, and dispute proceedings) of delivery orders and modification thereto, without monetary limitation, against Brand Name contracts published in DSA Supply Bulletins (SB 10–500 Series).

§ 1004.5105 Procedures.

(a) Requests for appointment will be signed by the installation commander and submitted through channels to the proper authority contained in § 1001.405 of this subchapter.

(b) Delivery orders will be numbered. To avoid duplication of numbers, the base procurement officer will furnish blocks of numbers as required by the contracting officer (commissary). The contracting officer (commissary) will maintain an AFPI Form 3B, Order, Contract or Modification Register, for order and modification numbers utilizing columns B, C, D, H, L, Z, and AB, as appropriate.

(c) A legible copy of each delivery order and modification thereto will be sent to the base procurement office at the time of initial distribution. The base procurement office will be responsible for the maintenance of order and modification registers (mechanized or manual) for procurement reports. DD Form 350, Individual Procurement Action Report, will be prepared and submitted by the contracting officer (commissary). The base procurement office and will be signed by the chief or deputy chief.

(1) Delivery orders and modifications will be reported under account code 03 and 08, AFPI Form 3C, Base Procurement Management Report, as appropriate. The number of delivery orders and modifications (separately), line items, dollars obligated, and delinquent delivery orders will be inserted in the remarks

section of the AFPI Form 3C for actions taken by the contracting officer (commissary).

(2) Within 3 working days following the end of each procurement reporting period the contracting officer (commissary) will provide the base procurement officer the following information:

(i) Total number of delivery orders.

(ii) Total number of modifications.

(iii) Total number of line items.

(iv) Total amount obligated.

(v) Total number of delinquent orders.

(vi) Data required by account codes 16 through 18B and 26E of AFPI Form 3C.

(d) The base procurement officer will, upon the request of the installation commander, act in an advisory capacity to the contracting officer (commissary) and provide guidance on matters relating to:

(1) Limitation of procurement authority.

(2) Proper preparation of forms.

(3) Proper preparation and submission of reports.

(4) Delivery order modifications.

(5) Contractual rights.

(6) Contract administration (except breach, termination, and dispute proceedings).

(e) Matters pertaining to breach of contract, termination and disputes will be referred to the base procurement office for necessary action.

(f) The installation commander will insure that all procurement activities of the commissary officer are reviewed for propriety at least twice each fiscal year. Findings will be in writing and will include specific comments whether the contracting officer (commissary) is:

(1) Operating within the scope and limitation of his delegated authority.

(2) Maintaining the standards of conduct prescribed in Part 920 of this chapter.

(3) Not redelegating his authority to others.

(4) Submitting correct and timely information for procurement reporting purposes.

(g) Administration: A "fill or kill" procedure will not be used. Contractors are expected to deliver supplies as ordered, unless the commissary officer determines that the requirement no longer exists. Such determination will justify cancellation of items and will be made a part of the delivery order file.

(h) The major commands (or numbered Air Forces, if applicable) will include this function as a part of the commands' surveillance program under paragraph 6(c) (2) and (3), AFR 70–18 (Local Purchase Program).

PART 1005—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

Subpart F—Procurement of Printing and Related Supplies (July 7, 1961)

6. Section 1005.650–1 is amended by revising paragraphs (b) through (c) (2) to read as follows:

§ 1005.650–1 Procurement of printed matter and paper for printing.

* * * * *

(b) Procurement and/or use of paper for printing, binding, and duplicating: Government Paper Specification Standards are established by the Joint Committee on Printing. Unless otherwise authorized by the JCP, these specifications and standards are mandatory for use by the departments and their field activities in the preparation of procurement documents for paper stocks and in specifying paper stocks to be used in printing, binding, and duplicating. The procurement or use of other types, grades, or weights of paper is not authorized. "Government Paper Specification Standards" are distributed by the AFLC.

(c) Mandatory Government Printing Office (GPO) contracts: (1) GPO Term Contracts contained in the current GPO Form 1047, Term Contract for Tabulating Cards, and GPO Form 1056, Term Contract for Aperture (Tabulating) Cards, are mandatory for use within the Air Force. All tabulating cards are items of printing. Procurement of commercial stock cards is not authorized. General Purpose cards are the "stock cards" of the Air Force and will be requisitioned through publications distribution channels according to AFM 7–1 (Receiving, Distributing, Requisitioning, and Warehousing Publications and Forms). All command or local tabulating cards are chargeable to Contract Field Printing (438) funds.

(2) GPO Term Contracts contained in the current GPO Form 1026, Term Contracts, for procurement of marginally punched continuous forms, blank or printed, are mandatory for use within the Air Force. All marginally punched continuous forms custom-made to fit them to the particular needs of the Air Force are items of printing. "Stock" tabulating forms and "Stock" teletype forms covered in these contracts are items of supply.

* * * * *

PART 1006—FOREIGN PURCHASES

Subpart U—Procurement Services for the Federal Republic of Germany

7. Section 1006.2102 is amended by revising paragraph (c); and § 1006.2103 is revised to read as follows:

§ 1006.2102 Definitions.

* * * * *

(c) *Domestic source end product.* See § 6.101(a) of this title.

§ 1006.2103 Policies.

Procurement services for nonstandard military items will be provided the FRG by AF activities according to the following policies:

(a) Procurements will be limited to domestic source end products. Procurement services should be expedited as much as possible.

(b) Contracts and purchases will be made under the authority of the Foreign Assistance Act of 1961 (P.L. 87–195). Title will pass directly from the suppliers to the FRG.

(c) Each procurement document should cite the applicable trust fund expenditure account "Advances, Mutual Security Act, Executive (Transfers to AF) 57–11x8242 (insert three letter case designator such as LRQ, MNX, etc.)" directly on the contract for procurement.

(d) Items not covered by U.S. Government specifications will be procured according to manufacturers' specifications and warranties, unless the FRG requests other specifications, qualifications, and warranties. If the specifications and warranties of the manufacturer are considered inadequate for procurement purposes, such specifications and warranties may be adequately supplemented by the procuring activity after consultation with the FRG. Questions relating to supplementary specifications and warranties will be referred to Hq USAF (AFSMSE) for clarification and appropriate action.

(e) ASPR and AFPI contract clauses and procedures will be employed. In no event should contracts be awarded at other than prices which are determined to be reasonable.

(f) When sources are designated by the Federal Republic of Germany (FRG), negotiations will be conducted only with the designated source or sources. The contract file will be documented with a finding and determination signed by the contracting officer stating that the FRG has designated the source and, therefore, it is impractical to obtain competition. No further authorization to negotiate with the selected source(s) will be required. When, in the opinion of the contracting officer, negotiations with only the selected sources result in unreasonable prices or unfair terms and conditions, the FRG will be advised of the circumstances present and requested to verify whether negotiations should be conducted with only the designated sources. Such notification to the FRG will include a statement as to whether there are additional known sources.

8. Section 1007.104–61 is revised; §§ 1007.105–7, 1007.105–51, 1007.109 and 1007.109–50 are deleted; §§ 1007.4900 through 1007.4903–6 are deleted; §§ 1007.5000, 1007.5002–1, 1007.5002–2, and 1007.5003–1(a) are revised; § 1007.5003–2 is deleted; in § 1007.5003–3, paragraphs (a) and (b) of the clause are revised; in § 1007.5003–4, paragraph (a) of the clause is revised; in § 1007.5003–7, paragraphs (a) and (b) of the clause are revised; §§ 1007.5003–10, 1007.5003–19, 1007.5003–20, 1007.5003–23, and 1007.5003–30 are revised; §§ 1007.5004–4, 1007.5006, 1007.5006–1, and 1007.5006–2 are deleted; and §§ 1007.5302 and 1007.5304–7 are revised. These sections now read as follows:

PART 1007—CONTRACT CLAUSES

Subpart A—Clauses for Fixed-Price Supply Contracts

§ 1007.104–61 Frequency authorization.

When the clause in § 7.104–61 of this title is used, the procuring contracting officer will insert instructions in the contract schedule which are compatible with guidance contained in Communications-Electronics Doctrine (CED) 3164.4 and CED 3154.3d, AFM 100–31.

§ 1007.105–7 Material inspection and receiving report. [Deleted]

§ 1007.105–51 Correction of deficiencies. [Deleted]

§ 1007.109 Price redetermination clauses. [Deleted]

§ 1007.109–50 Price redetermination upon happening of specified contingency (Type X). [Deleted]

Subpart WW—Clauses for Basic Communication Service Agreements for Communication Services

§§ 1007.4900—1007.4903–6 [Deleted]

Subpart XX—Clauses for Food Service Contracts

§ 1007.5000 Scope of subpart.

This subpart sets forth clauses for procuring services by contract for managing, processing, preparing, and serving food for authorized dining halls, and contracts for food service attendants.

§ 1007.5002–1 Contract for food services.

The term "contract for food services" means any contract for procuring services for managing, processing, preparing, and serving food for an authorized dining hall.

§ 1007.5002–2 Contract for food service attendants.

The term "contract for food service attendants" means any contract for procuring services for preliminary preparation and serving of food, maintaining sanitation of food service facilities, and providing bus boy services.

§ 1007.5003–1 Scope of work.

(a) Insert the following clause in contracts for food services.

SCOPE OF WORK (DECEMBER 1967)

The Contractor shall furnish food handling service consisting of (i) management and operation of food handling facilities, kitchens, and dining halls, and (ii) receipt, storage, handling, processing, cooking, packaging, serving and disposal of food at the locations and for the period of time set forth in the Schedule. Except for flight meals or box lunches, food will be served cafeteria style with service to include "bus boy" table clearing during meals, and the preparation and serving of short order and snack type meals when required.

* * * * *

§ 1007.5003–2 Contractual contents. [Deleted]

§ 1007.5003–3 Contractor personnel.

CONTRACTOR PERSONNEL (DECEMBER 1967)

(a) The Contractor shall furnish supervisory, administrative and direct personnel (including cashier and supply personnel) to accomplish all work required.

(b) The Contractor shall furnish personnel who are trustworthy, competent and well qualified for their work. The Contractor shall at Government expense furnish a medical certificate certifying that all employees in kitchens, dining halls and food processing facilities and in any way coming in contact with the handling of food used in carrying out the provisions of this contract are free from any communicable disease. Such personnel shall at all times be subject to inspection and physical examination by Government medical authorities to insure that proper sanitary standards are maintained.

* * * * *

§ 1007.5003–4 Facilities and materials furnished by the Government.

FACILITIES AND MATERIALS FURNISHED BY THE GOVERNMENT (DECEMBER 1967)

(a) The Government shall furnish the Contractor for work under this contract the facilities, fixtures and equipment as listed in Exhibit "A." Reasonable office space, but not office supplies and equipment, other than that normally supplied at the operating facilities, will be furnished, if requested by the Contractor. The Government shall furnish all Government forms authorized and directed for use.

* * * * *

§ 1007.5003–7 Record and charge for meals served.

RECORD AND CHARGE FOR MEALS SERVED (DECEMBER 1967)

(a) The Food Service Officer or his representative will insure a meal count is accomplished by the current prescribed method of counting the number of military personnel, contractor personnel, and other authorized personnel to whom meals are served and will furnish a consolidated report of all meals served to the Contractor at the end of each month for use as evidence to support its monthly invoices submitted to the Finance Officer. The Contractor may also maintain a separate meal attendance record. In the event of any discrepancy between the Food Service Officer's consolidated report and the Contractor's meal attendance record, the Contractor may submit the matter to the Contracting Officer for decision pursuant to the clause of this contract entitled "Disputes."

(b) Where prices are to be charged for meals, the Government shall establish the rate of charge thereof. Any cash charged for meals made at the time meals are served will be collected by the Contractor and forwarded to the Feed Service Officer or his representative.

* * * * *

§ 1007.5003–10 Changes.

CHANGES (DECEMBER 1967)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in or additions to specifications, issue additional instructions, require modified or additional work or services within the scope of the contract, and change the place of delivery, method of shipment, or the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or in the time required for, the performance of this contract, an equitable adjustment shall be made in the contract price, or time of performance, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 1007.5003–19 Contract Work Hours Standards Act—Overtime compensation.

Insert the clause set forth in § 12.303–1 of this title.

§ 1007.5003–20 Equal opportunity.

Insert the clause set forth in § 12.802 of this title.

§ 1007.5003–23 Termination for convenience of the Government.

Insert the clause set forth in § 8.701(a) of this title.

§ 1007.5003–30 Requirements.

Insert the clause set forth in § 7.1102–2(b) of this title.

§ 1007.5004–4 Interest. [Deleted]

§ 1007.5006 Specifications. [Deleted]

§ 1007.5006–1 Specifications for food services contracts. [Deleted]

§ 1007.5006–2 Specification for food service attendants contracts. [Deleted]

Subpart AAA—Clauses for Contracts for the Rental of Supplies and Equipment

§ 1007.5302 Cover page.

Use Standard Form 26, Award/Contract, for negotiated contracts.

§ 1007.5304–7 Contract Work Hours Standards Act—Overtime compensation.

Insert the clause set forth in § 12.303–1 of this title.

PART 1009—PATENTS, DATA, AND COPYRIGHTS

9. Subparts A and B are revised; a new Subpart D is added; the heading of Subpart K is revised as set forth below; §§ 1009.1100, 1009.1101(g), 1009.1102(a), 1009.1103, and 1009.1104 are revised; § 1009.1104–1 is added; and §§ 1009.1105, 1009.1106, 1009.1108, and 1009.1109 are revised. These sections now read as follows:

Subpart A—Patents

AUTHORITY: The provisions of this Subpart A issued under secs. 8012, 2301–2314, 70A Stat. 488, 127–133; 10 U.S.C. 8012, 2301–2314.

Subpart A—Patents

§ 1009.104 Notice and assistance.

For proper action to be taken by the contracting officer with respect to reports of notices or claims of patent infringement received by him under the provisions of § 9.104 of this title, see § 1009.401–50.

§ 1009.106 Classified contracts.

See Subpart K of this part.

§ 1009.106–1 Classified contracts—contracting officer's duties.

When, pursuant to the provision of the clause of § 9.106–1 of this title, the contractor requests written approval of the contracting officer for filing an application or registration for a patent, the contracting officer will obtain from the contractor a copy of the proposed application or registration for a patent and will refer the contractor's request for approval and the application or registration copy to AFSC (SCJP) or AFLC (MCJCP), as appropriate.

§ 1009.107–5 Clauses for domestic contracts.

(a) through (c) No implementation.

(d) The Staff Judge Advocate (SCJP) Hq AFSC, or Staff Judge Advocate (MCJCP) Hq AFLC, as appropriate, should be consulted in the event controversy arises regarding interpretation of Part 9 of this title, or the clauses contained therein, or the administrative requirements thereof such as, but not limited to, whether an invention is a subject invention.

§ 1009.107–7 Contracts relating to atomic energy.

All requests for deviations which are to be forwarded to the Atomic Energy Commission to determine whether the deviation may be granted, will be forwarded in the same manner as prescribed for the submission of material in § 1009.109–2(c). The cognizant patent officer or staff judge advocate will forward the material, together with his recommendations, to SCJP or MCJCP, as appropriate.

§ 1009.107–8 Contracts placed for NASA.

In the event NASA has not furnished the appropriate NASA Patent Rights Clause to be included in the contract as required by § 9.107–8(a)(1)(i) of this title, or any question about the use of such clause arises, contracting officers should communicate with NASA (GP), F.O.B. 6, 400 Maryland Avenue SW., Washington, D.C. 20546, identifying the work request.

§ 1009.108 Patent rights under contracts for personal services.

Applicable AF policy and procedures for implementing Executive Order 10096, January 23, 1950, are in section B, AFR 110–8 (Inventions, Patents, Copyrights and Trademarks), which may be consulted for background information.

§ 1009.109–2 Follow-up by Government.

(a) (1) In recognition of the need for the use of personnel skilled in technical matter and in the Patent Law to execute the invention monitoring program, the Air Force, pursuant to AFSC Letter No. 110–1, August 7, 1967, Subject: Contract Monitoring Procedure, has assigned primary responsibility for discharge for the "followup" function to the following elements of the Office of the Staff Judge Advocate:

(i) Contract Management Division (CMJ) is assigned invention monitoring and surveillance responsibility for those DoD Plants designated for Contract Administration cognizance.

(ii) Aeronautical Systems Division (MCJCP) is assigned invention monitoring and surveillance responsibility for those contracts retained at that activity for contract administration. MCJCP may, in addition, be assigned additional invention monitoring surveillance, and on-site contractor liaison responsibility under contracts selected at Hq AFSC.

(iii) Hq AFSC (SCJP) is assigned invention monitoring and surveillance for:

(*a*) Those contracts retained for contract administration in AFSC divisions and centers (except AFCMD and ASD).

(*b*) Those contracts under the administrative jurisdiction of DCAS (DoD 4105.59).

(2) Contracting officers are responsible for cooperating with above listed staff judge advocate elements when requested.

(b) No implementation.

(c) The contracting officer administering the contract is responsible for processing all material required to be furnished by contractor under a patent rights clause according to procedures specified in Subpart K of this part.

§ 1009.110 Reporting of royalties—anticipated or paid.

(a) (1) through (3) No implementation.

(4) The schedule of Basic Ordering Agreements will contain a provision substantially as follows:

> Wherever the contractor furnishes a price quotation under this BOA, he shall furnish the Royalty information required by ASPR 9–110. The dollar limitation stated therein shall be deemed to apply to each order.

(b) (1) In order that the advice referred to may be given expeditiously, the contracting officer will use his best efforts to obtain, at no direct cost to the Government, and to submit along with the AFPI Form 45, Request for Royalty Approval, copies of the applicable patent, patent applications, license agreement, and accurate information descriptive of the specific items being procured. Such information will be sufficient to enable a comparison to be made between the claims of the applicable patents or patent applications and the items being procured. The copies of the license, patent, and patent applications will be returned, upon request, to the parties furnishing them.

(2) When, with respect to proposed contracts or subcontracts estimated to be in excess of $10,000, the response to a solicitation shows no royalties are payable the AFPI Form 45 need not be completed. When the response shows royalties of less than $250 are payable no further action is required except to document the contract file with AFPI Form 45 or a narrative equivalent.

(3) Where (i) the Royalty information of § 9.110(a)(3) of this title is required in any solicitation for a negotiated contract or subcontract; (ii) the Royalty information of paragraph (a)(4) of this section is required in a BOA; or (iii) Royalty information as provided in § 1009.112 is received, the contracting officer will complete five copies of AFPI Form 45, for each separate royalty appearing as an item of cost. Such forms should be sent to the procurement staff judge advocate (see § 1009.050(b)), or may be sent directly to SCJP or MCJP, as appropriate, together with the material in subparagraph (4) of this paragraph.

(4) Upon receipt of AFPI Form 45, the procurement staff judge advocate will:

(i) Review the forms for completeness.

(ii) Obtain from the contractor copies of the license agreements and patents or patent applications which form the basis for the proposed royalty payments.

(iii) Obtain from the project engineer or other cognizant technical personnel (*a*) a detailed description including drawings of the items to be procured under the contract which are represented to embody the inventions covered by the patents or patent applications listed in the AFPI Form 45; (*b*) an opinion whether the items to be procured under the contract will be used as an operational end product or a component thereof, or in an experimental capacity.

(iv) If the contract involves research or development, and the proposed royalty is based on a unit price, ascertain whether the unit price listed in the AFPI Form 45 is based on production costs and excludes any research or development costs.

(v) Forward four copies of the AFPI Form 45, together with the material required to be obtained in subdivisions (ii), (iii), and (iv) of this subparagraph to AFSC (SCJP), if the matter arose in any AF procurement activity other than AFLC, ASD, or other organization located at Wright-Patterson AFB; or to AFLC (MCJCP) if the matter arose in AFLC, ASD, or other organization located at Wright-Patterson AFB.

(5) Upon receipt of the AFPI Form 45, SCJP or MCJCP will: (i) Review the

information contained in the form and allied papers; (ii) retain two copies of the form and all allied papers; (iii) expedite transmission to the procurement staff judge advocate of its final recommendation including advice as to the reasonableness and propriety of the royalty charge by placing such recommendation on or attaching it to one copy of the form; and (iv) forward a copy of the form to the noninterested headquarters (SCJP or MCJCP), for information. The procurement staff judge advocate will transmit the recommendation to the contracting officer immediately upon receipt.

(6) Exceptions to the final recommendation of the staff judge advocate will be made only when approved as follows:

(i) Within AFSC, by the DCS or Assistant DCS/Procurement and Production, Hq, AFSC.

(ii) Within AFLC by the Director of Procurement and Production or Deputy for Procurement, Hq AFLC.

(iii) Within AF procuring activities other than AFSC or AFLC according to the directives of each activity.

§ 1009.111 Refund of royalties.

(a) Upon the receipt of the contractor's Final Report of Royalties under a contract requiring such a report, the contracting officer will make a comparison with all earlier royalty reports from the contractor to determine whether there is a change in the contractor's royalty obligation either as to basis or in a substantial amount. If there is such a change, information with respect thereto will be forwarded to the procurement staff judge advocate according to § 1009.110(b)(3) for review and action according to § 1009.110(b)(4). If the Final Report of Royalties shows no change from earlier reports, the final report will be filed in the contract file and final payment clearance procedure accomplished according to § 1009.1106, with no further action required by the contracting officer. When a final report of royalties has been forwarded to the procurement staff judge advocate for review and processing, the contractor's final voucher will be held and not paid until royalty approval has been received from the procurement staff judge advocate.

(b) Royalty cost information received by the contracting officer under cost and fixed price redeterminable contracts will be forwarded to the procurement staff judge advocate according to § 1009.110(b)(3).

§ 1009.112 Adjustment of royalties.

If, subsequent to the review of royalties prescribed in § 9.110 of this title and § 1009.110, the contracting officer discovers information which was not available during prior review, and which indicates that royalties paid or to be paid are unreasonable, improper, or are otherwise subject to question, he will promptly report the matter with such information as is available to the staff judge advocate according to § 1009.110(b)(3).

Subpart B—Rights in Technical and Other Data and Copyrights

Sec.

AUTHORITY: The provisions of this Subpart B issued under secs. 8012, 2301-2314, 70A Stat. 488, 127–133; 10 U.S.C. 8012, 2301–2314.

Subpart B—Rights in Technical and Other Data and Copyrights

§ 1009.200–50 Management of contractor data.

AFR 310–1 (Acquisition and Management of Contractor Data) establishes the Air Force program for acquiring reports and data from AF contractors and states the scope of procurements subject to and excluded from application of the program.

§ 1009.201 Definitions.

(a) through (c) No implementation.

(d) *Identified administrative reports.* For the purpose of this subpart, identified administrative reports mean financial and cost analyses, other information incidental to contract administration, and reports or information required by the ASPR/AFPI clauses of the contract.

§ 1009.202–50 Requirements.

(a) *Establishing quantitative requirements for technical data and identified administrative reports.* Except for procurements in areas to which application of the AF Contractor Data Management System is not required in whole or in part by AFR 310–1, quantitative requirements for technical data and identified administrative reports will be established according to the policy and procedures in AFSCM/AFLCM 310–1, Volume I, and specific requirements will be selected from AFSCM/AFLCM 310–1, Volume II.

(b) *Contracts requiring deliveries of technical manuals.* All contracts requiring deliveries of manuals, which fall within the definition of technical orders and technical manuals in AFR 66–7 (Technical Order System), will include data item No. A–5–14.0 of AFSCM/AFLCM 310–1, Volume II. In addition, all cost reimbursement contracts requiring delivery of technical manuals will include data item No. A–19–56.1 of AFSCM/AFLCM 310–1, Volume II.

§ 1009.202–51 RFP and IFB.

All technical data and identified administrative reports covered by this subpart to be contractually required will be listed on an approved DD Form 1423, Contract Data Requirements List, or equivalent mechanized listing. If data or reports required to be delivered pursuant to the ASPR/AFPI clauses of the contract are not listed on DD Form 1423, such data are nevertheless required to be delivered according to the provisions of such clauses. RFPs and IFBs will incorporate listed technical data and identified administrative report requirements by attachment of DD Form 1423 or equivalent mechanized listing. RFPs will require recommendations from the contractor as to possible changes, additions, or reductions of the technical data and administrative reports requirements listed therein. The contractor will make his offer to RFPs based upon the technical data and identified administrative report requirements listed on DD Form 1423 and, in addition, upon his recommended changes.

§ 1009.203–50 Contract clauses.

(a) *Interchangeability of terms.* The following clause will be included in a contract modification which first incorporates the current Rights in Technical Data (February 1965) clause when the contract prior to modification contains the now unauthorized Data (February 1962) clause:

INTERCHANGEABILITY OF TERMS (July 1964)

Whenever used in this contract, the term "Subject Data" is one and the same as "Technical Data."

(b) *Clause as to rights in technical data.* Each contract including a Data Clause will include the following provision:

RIGHTS IN DATA (JULY 1964)

The rights obtained by the Government in Technical data are set forth in the Rights In Technical Data Clause incorporated in the contract, and nothing elsewhere in this contract or in any documents incorporated by reference in this contract shall be construed as in any way altering such rights except as restricted by the express terms, if any, of this contract as to data called for and furnished for provisioning purposes only.

(c) *Value engineering incentive or value engineering program requirement clause.* When a value engineering incentive or value engineering program requirement clause (Subpart Q, Part 1 of this title) is included in the contract, the following will be inserted in the clause of paragraph (b) of this section immediately before the words "The rights obtained * * *". "Except as provided in clause entitled (insert applicable clause), the rights obtained by the Government * * *."

(d) *Marking and identification of technical data.* The following clause will be included in all contracts in which technical data is specified to be delivered:

MARKING TECHNICAL DATA (JULY 1964)

The Contractor agrees to mark the number of this contract, and the name and address of the Contractor or subcontractor who generated the data, on technical data delivered to the Government pursuant to any requirement of this contract.

§ 1009.203–51 Limitation on data requirements.

In support of the Data Management Policy set forth in AFSCM/AFLCM 310–1, the following clause will be included in all contracts incorporating the DD Form 1423 or other mechanized listing of data requirements:

LIMITATION ON TECHNICAL DATA REQUIREMENTS (JULY 1964)

All the technical data and reports required of this contract are set forth in the Contract Data Requirements List (DD Form 1423) attached thereto and made a part hereof and in the contract clauses included herein. In case of difference or conflict between the data requirements list and the contract clause, the latter shall govern. Nothing in any other documents or specifications made a part hereof shall be construed as altering such data and reports requirements in any way.

§ 1009.203–52 Specification of experimental, developmental, or research work.

To prevent any misinterpretations of the scope of the rights in data provisions of the contract, the following schedule provision will be included in all contracts which, in whole or in part, call for experimental, developmental, or research work:

CONTRACT SCHEDULE ITEMS REQUIRING EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK (JULY 1964)

For purposes of defining the nature of the work and the scope of rights in data granted to the Government pursuant to Clause * * *, entitled "Rights in Technical Data," it is understood and agreed that items (list applicable items) require the performance of experimental, developmental, or research work. This clause does not constitute a determination as to whether or not any data required to be delivered under this contract relates to items, components or processes developed at private expense.

§ 1009.203–53 Predetermination of rights in data during negotiations.

As a general rule, the Predetermination of Rights in Data procedure of § 9.202–2(d) of this title may be used in all negotiated procurements which require, in whole or in part, experimental, developmental, or research work. The procedure may be used in other negotiated procurements when it is deemed desirable. Also, when technical data are furnished on a restricted basis in support of a proposal, the procedure should be used in negotiating with the offeror, and the implementing paragraph (h), for addition to the Basic Data Clause of § 9.203(b) of this title, set forth in § 9.203(c) of this title should be used in the contract according to the provisions of § 9.202–3(d) of this title. When the procedure is to be used, the following schedule provision will be included in the RFP:

PREDETERMINATION OF RIGHTS IN DATA (JULY 1964)

It is intended, to the extent practical prior to award of this contract or any supplemental agreement thereto, to establish rights in data pursuant to the procedures of ASPR 9–202.2(d). Accordingly, offeror will submit with his proposal a document containing a description of listing, either individually or by class, as follows:

(a) The technical data which fall within the six categories described in paragraph (b)(1) of the clause entitled "Rights in Technical Data," and is therefore to be furnished with unlimited rights, and

(b) The technical data described in paragraph (b)(2) of said clause which is to be furnished with limited rights.

In the event it is not possible to predetermine at the time of contract negotiations, an agreement in the contract that such predetermination will take place at a later date satisfies the conditions of the instructions of § 9.203(c) of this title, therefore permitting the use of paragraph (h).

§ 1009.203–55 Release of restricted data.

(a) Release of data subject to the previous restrictive provisions of paragraph (j) of Data clause in ASPR 9–203.3 (March 1, 1963) outside the Government for procurement or manufacturing purposes may be made without the contractor's permission, to another contractor, only for the purpose of manufacture required in connection with repair or overhaul where an item is not procurable commercially so as to enable the timely performance of the overhaul or repair work. Whenever such data is to be released or disclosed outside the Government for such overhaul or repair purposes, the contracting officer will cause the action specified in paragraph (d) of this section to be taken.

(b) Release of data subject to the restrictive provisions of paragraph (b)(2) of the Rights in Technical Data clause, ASPR 9–203(b) (April 1, 1965) outside the Government for manufacture or procurement may be made without the written permission of the party named in the contract in which the data was delivered only for emergency repair or overhaul work for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work. Whenever such data is to be released or disclosed outside the Government for such repair or overhaul work, the contracting officer will cause the action specified in paragraph (d) of this section to be taken.

(c) The data specified in paragraphs (a) and (b) of this section will not be released until a request therefor has been made by the overhaul or repair contractor, and it has been determined and a finding to that effect made by the contracting officer, approved by the director of procurement or his deputy, that the item or process concerned is not procurable or available as set forth in paragraph (a) or (b) of this section.

(d) (1) Include in the overhaul or repair contract the following clause:

Certain data which may be furnished by the Government to the contractor under this contract have been obtained by the Government subject to restriction upon disclosure. Such data or restricted portions are marked with an appropriate legend. Contractor will abide by the restrictions appearing on such data and will not reproduce such data in whole or in part without reproducing such restrictions.

(2) Require that the legend authorized by the ASPR paragraphs cited in paragraphs (a) and (b) of this section and appearing on the data is reproduced on the copies of data distributed.

§ 1009.205–2 Purchase of existing motion pictures or television recordings.

(a) In contracts which are exclusively for procurement of unmodified existing motion pictures, the question of the rights to be obtained by the Air Force must be considered on a case-by-case basis. In certain contracts it may be appropriate to have no data clause at all. In others, the clause will have to be prepared consistent with the purposes for which the material covered by the contract is being procured. The clause set forth in this paragraph is suggested as a general pattern but may be modified or altered in any way or omitted entirely by the procuring activity depending on the purpose of the particular contract. Subparagraph (1) of the clause in this paragraph may include appropriate language to restrict the license to: Television lowpower military coverage; AF base usage; AF regular and reserve components only; and AF regular, reserve, and civilian components only, or similar restricted usage.

COPYRIGHTS

(1) The Contractor agrees to grant and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license to distribute, exhibit, and use the films called for under this contract for nonprofit military purposes throughout the entire world and to authorize others to do so, but not to reproduce, revise, alter or televise such films.

(2) The Contractor agrees to indemnify and save and hold harmless the Government, its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, for (i) violation of proprietary rights, copyrights, or rights of privacy, arising out of the exhibition or use of any material furnished under this contract, or (ii) based upon any libelous or other unlawful matter contained in said material.

(b) In contracts which call for the modification of existing motion pictures through the addition of subject matter specified by the contract, the clause in § 9.204–2 of this title will be included instead of the clause in paragraph (a) of this section.

§ 1009.250 Copyright problems.

Copyright problems arising within AFLC, and organizations located on Wright-Patterson AFB, should be referred to AFLC (MCJCP): Within AFSC, other than AFLC and organizations located on Wright-Patterson AFB, to AFSC (SCJP). Copyright problems arising outside AFLC, organizations located on Wright-Patterson AFB, or AFSC should be referred directly to the Chief, Patents Division, AFJALE, 8719 Colesville Road, Silver Spring, Md. 20910.

§ 1009.251 Copyright infringement claims.

All communications received in any AF activity in which a claim is made that a copyright has been infringed will be

forwarded and action taken as provided in § 1009.401–50.

Subpart D—Processing of Licenses, Assignments, and Infringement Claims

§ 1009.401–50 Processing of infringement claims.

This section sets forth the procedure for referring the following: (a) All proposed contracts where the primary item of procurement is a license under, or an assignment of, an invention or a patent; (b) all reports of notices or claims of patent infringement received by contracting officers from contractors under the provisions of § 9.104 of this title; and (c) all communications received in any AF activity in which a claim is made that the manufacture, use, or disposition of any article, material, or process by or for that activity or by or for any other AF activity, involves or will involve the unauthorized use of any invention or design, whether patented or unpatented.

(1) All such proposed contracts, reports, or communications arising within AFSC and OAR will be forwarded to AFSC (SCJP), who will acknowledge receipt thereof and forward the same, together with a statement of pertinent facts, to the Chief, Patents Division.

(2) All such proposed contracts, reports, or communications arising within AFLC will be forwarded to AFLC (MCJCP) who will acknowledge receipt thereof and forward the same, together with the statement of all pertinent facts to the Chief, Patents Division.

(3) All such proposed contracts, reports, or communications arising in AF activities other than AFLC, OAR, and AFSC will be forwarded, along with a statement of all pertinent facts, directly to the Chief, Patents Division.

(Secs. 8012, 2301–2314, 70A Stat. 488, 127–133; 10 U.S.C. 8012, 2301–2314)

Subpart K—Processing Reports of Inventions and Subcontracts, Invention Disclosures, Patent Applications, and Patent Clearances

§ 1009.1100 Scope of subpart.

This subpart establishes responsibilities and procedures for processing Reports of Inventions and Subcontracts (both Interim and Final Reports), Invention Disclosures, and other documents as required by contract clauses, and the issuance of patent clearances authorizing final payment to the contractor.

§ 1009.1101 Applicability of subpart.

* * * * *

(g) Accounting and finance offices.

§ 1009.1102 Definitions.

* * * * *

(a) The "office administering the contract" is the administrative contracting office (ACO) or the activity charged with administration of the contract.

* * * * *

§ 1009.1103 Responsibility of contractor.

The contractor is to comply with the requirements of the particular Patent Rights clause contained in its contract.

§ 1009.1104 Responsibility of the office administering the contract.

The basic responsibilities of the office administering the contract are set forth in § 9.109–2(c) of this title. Invention disclosures, reports, confirmatory instruments, notices, requests, and other documents and information relating to Patent Rights clauses will be reviewed for administrative sufficiency and then forwarded to the procurement staff judge advocate. A suspense file and other follow-up procedures should be established to assure timely submission of the documents by the contractors. To maintain effective surveillance of contractor and subcontractor actions under the Patent Rights clauses of contracts and to assure that each contractor and subcontractor is aware of its responsibilities under such clauses there is provided, a sample letter (with inclosure) which will be sent to contractors by the office administering the contract, promptly after the award of each contract, and another sample letter (with the same inclosure) which will be sent to subcontractors by the office administering the contract, promptly after such office has been informed by the contractor of the award of a subcontract.

Reply to
Attn. of: (Contract Administration Office)
Subject: (Contract No.)
To: (Contractor)

1. The subject contract contains a Patent Rights Clause, the provisions of which impose certain obligations relative to inventions made and subcontracts awarded under the contract. This opportunity is therefore taken to forward the inclosed summary of the principal obligations imposed upon a contractor under the clause and of the type of invention-monitoring activities believed essential for the proper discharge of these obligations. In the event of any inconsistency between this summary and contract clause, the contract clause shall govern.

2. To facilitate the administration of the provisions of the clause, both during and after the life of the contract, it is requested that this office be advised at an early date of the individual in your organization having the direct responsibility for complying with the provisions of the clause under this contract. It is desirable that this individual be identified by name, title, address, and telephone number.

3. If this office can be of any assistance in this matter, the undersigned may be reached on area code * * *

Administrative Contracting Officer,

1 Atch
Info re Patent Rights
Clause

Reply to
Attn. of: (Contract Administration Office)
Subject: (Subcontract No., Contractor and Contract No.)
To: (Subcontractor)

1. This office has been advised that the subject subcontract containing a Patent Rights Clause has been awarded you under the above-referenced prime contract. This Contracting Office has reviewed the nature of the work to be performed under the subcontract and is of the view that it is a likely source of patentably novel technical developments of importance to the Government. This opportunity is therefore taken to forward the inclosed summary of the principal obligations imposed upon you under the clause, and of the type of invention-monitoring activities believed essential for the proper discharge of these obligations.

2. To facilitate the administration of the provisions of the clause, both during and after the life of the contract, it is requested that this office be advised, at an early date, of the individual in your organization having the direct responsibility for complying with the provisions of the clause under this subcontract. It is desirable that this individual be identified by name, title, and telephone number.

3. If this office can be of any assistance in this matter, the undersigned may be reached on area code * * *

(Administrative Contracting Officer)

1 Atch
Info re Patent Rights
Clause

Atch.: Information concerning Patent Rights Clauses of ASPR 9–107.5 (§ 9.107–5 of this title)

1. The following summarizes the principal obligations of a contractor under the subject clauses:

a. Submission of a complete disclosure on each invention within 6 months after made.

b. Submission of interim (annual) and final invention reports.

c. Timely notification of a running statutory bar.

d. Adherence to prescribed time and notification requirements on filing of domestic and foreign patent applications.

e. Submission of instruments confirmatory of governmental interest in subject inventions.

f. Inclusion of a patent rights clause in certain type subcontracts.

g. Prompt notification of award and completion of subcontracts containing a patent rights clause and furnish a copy of such subcontract.

2. The following summarizes the type of invention-monitoring activities believed essential to a contractor's discharge of the principal obligations of the clause:

a. Early alerting of technical employees, particularly those engaged in creative efforts, of the contractual obligation to report all inventions made under the contract. Such notification should preferably identify the types of novel technical developments which may be of an inventive nature and make clear that the term "made" covers either, or both, a first conception or a first demonstration of practicability.

b. Keeping readily identifiable and available permanent records of technical work, particularly of a creative nature, performed under the contract.

c. Periodic and systematic review of technical work, as well as reports, discussions etc., thereon, by personnel knowledgeable in the identification of inventions, determination of inventorship and recognition of potential statutory bars to patenting.

d. Review of work to be subcontracted for the purpose of determining the need for inclusion of a patent rights clause therein.

e. Establishment of responsibility for the preparation and submission of invention disclosures, invention reports, domestic and foreign filing notifications and subcontract award and completion notifications.

The office administering the contract will take the following action with respect to the following:

(a) *Invention disclosures.* Invention disclosures, where the contractor elects not to file for patent, must be processed rapidly to preclude the possible loss of valuable patent rights. The covering letter forwarding these disclosures to the procurement staff judge advocate will contain the following information:

(1) Name of contractor and contract number.

(2) Title of invention and name of inventor(s).

(b) *Interim reports of inventions.* Two copies of each interim report of inventions will be forwarded to the procurement staff judge advocate. The reports will be forwarded whether affirmative or negative and at least one copy will be an original, manually signed by the appropriate representative of the contractor. One copy of the report will be retained by the office administering the contract, as a part of the official contract file. The cover letter forwarding these reports will include the name of the contractor and contract number.

(c) *Final reports of inventions and reports of subcontracts.* (1) Assure that the reports are obtained from the contractors in sufficient time to enable the issuance of a patent clearance before the presentation by the contractor of its completion voucher to the accounting and finance office. The original and one copy of each report, whether affirmative or negative, will be forwarded to the procurement staff judge advocate. One copy will be retained. The cover letter forwarding the reports will include the name of the contractor and the contract number.

(2) Furnish the procurement staff judge advocate copies of subcontracts received from the prime contractor, containing patent rights clauses.

(3) Make determination, after consultation with procurement staff judge advocate, as to withholding of payments, if appropriate.

(d) *Classified patent applications.* (1) When a copy of a patent application is submitted pursuant to the provision of § 9.106 of this title, the office administering the contract, in consultation with the procurement staff judge advocate, project engineer and/or contract monitor, will determine whether the application should be security classified.

(2) The contractor will be informed of the applicable security classification.

(3) Copies of patent applications determined to be classified will be forwarded to AFSC (SCJP), together with the filing data required by paragraph (d) of the clause of § 9.106 of this title, and a statement of the proper classification to be assigned. AFSC will be informed also of such patent applications determined not to be classified.

§ 1009.1104–1 Responsibility of Procurement Contracting Officer (PCO).

(a) The PCO will inform the office administering the contract, preferably in the schedule of the contract, no later than the time the contract is transferred for administration, the identity and the address of the staff judge advocate who will be responsible for the patent aspects of each contract which contains a Patent Rights clause.

(b) The PCO will furnish to the cognizant staff judge advocate a copy of each contract, which contains a Patent Rights clause, no later than the time the contract is transferred to the office administering the contract for administration. (This requirement is applicable whether or not the office administering the contract is an AF office.)

§ 1009.1105 Responsibility of AFSC or AFLC procurement staff judge advocate.

(a) *Invention disclosures.* All invention disclosures transmitted to the procurement staff judge advocate according to § 1009.1104 will be reviewed for technical sufficiency. If not technically sufficient, any additional information needed will be requested through the office administering the contract.

(b) *Confirmatory licenses.* Confirmatory licenses will be forwarded to AFSC (SCJP) or AFLC (MCJCP), as appropriate.

(c) *Interim reports of inventions.* The procurement staff judge advocate will retain the interim reports of inventions. If the report lists any inventions upon which no invention disclosures have been submitted, the procurement staff judge advocate will assure timely submission by the contractor of the invention disclosures.

(d) *Final Report of Inventions.* The procurement staff judge advocate will retain the Final Report of Inventions. If the report lists any inventions upon which no invention disclosures have been submitted, the procurement staff judge advocate will assure timely submission by the contractor of the invention disclosures. The procurement staff judge advocate will take the following action with respect to the Final Report of Inventions:

(1) *Laboratory check.* To ascertain whether the contractor has reported all inventions, improvements, or discoveries made under the contract, the procurement staff judge advocate will conduct a laboratory check as follows:

(i) A copy of the Final Report of Inventions will be transmitted to the project engineer or other technical personnel who are familiar with the work done under the contract. Additionally, copies of all invention disclosures submitted under the contract will be made available to the project engineer or other technical personnel.

(ii) The project engineer or other technical personnel will be requested to review the Final Report of Inventions and render an opinion whether or not all inventions, improvements, or discoveries conceived or first actually reduced to practice under the contract have been reported.

(iii) If the contractor's Final Report of Inventions is deemed correct, the project engineer or other technical personnel will certify in writing that in his opinion the Final Report of Inventions is correct. If the contractor has not disclosed all inventions believed to have been made under the contract, the project engineer or other technical personnel will identify such invention or inventions.

(iv) The Final Report of Inventions will be returned to the procurement staff judge advocate together with the written opinion of the project engineer or other technical personnel.

(2) *Patent clearance of contract.* (i) When the laboratory check indicates that the contractor's Final Report of Inventions (which may be submitted on DD Form 882, Report of Inventions and Subcontracts), is correct, and when it is determined that all required invention disclosures and confirmatory licenses have been received, and the contractor has complied with the requirements related to subcontracts, the procurement staff judge advocate will issue patent clearance on the contract according to the procedures in § 1009.1106.

(ii) If the laboratory check indicates that the contractor's Final Report of Inventions is deficient, the procurement staff judge advocate will obtain invention disclosures on those subject inventions which have not been reported and assure that other requirements have been fulfilled. Only upon complete reporting by the contractor and concurrence therewith by the project engineer or other technical personnel, will patent clearance be issued. A permanent record will be maintained by the procurement staff judge advocate on clearances issued.

(e) *Subcontract reports.* Upon receipt of a copy of a subcontract containing a Patent Rights clause, or if the prime contractor's report shows that subcontracts were awarded which contain a Patent Rights clause, the procurement staff judge advocate will conduct correspondence with the subcontractors to obtain, according to the particular Patent Rights clause included in its subcontract, all the invention documents which are required thereby. (If the prime contract is being administered by a DCAS agency, that agency will be looked to for obtaining invention disclosures and other documents required by the subcontractor.) These documents will be processed in the same manner as like documents obtained under prime contracts. However, the obtaining and processing of subcontract invention documents will not delay the processing of prime contract documents nor the granting of patent clearances for prime contracts.

(f) *Requests for greater rights.* All contractor requests for greater rights under § 9.107–5 (a) and (c) of this title received by the procurement staff judge advocate, who will insure that the requests comply with the contract requirements, will be forwarded to AFSC (SCJP) or AFLC (MCJCP), as appropriate.

(g) *Abandoned patent applications.* Notices by contractors and subcontractors of intent to abandon patent applications (together with related documents, including those upon which the decision to abandon was made), received from the office administering the contract, will be forwarded to AFSC (SCJP) or AFLC (MCJCP), as appropriate.

(h) *Search reports.* If the contractor has conducted a patentability search to make a determination, or has made a determination on another basis, regarding filing a patent application or discontinuing the prosecution of a patent application already filed, under the aegis of the Patent Rights clause of its contract, and if the cost of such search and/or determination is allowed as an item of cost under a Government contract, such search report and/or other basis for the determination will be furnished the Government, upon request, at no additional charge.

§ 1009.1106 Clearance procedures.

For all contracts the offices designated in this section will process clearances as follows:

(a) The procurement staff judge advocate will issue clearances, as set forth in § 1009.1105(d)(2), and will furnish an original and three copies of the clearance statement to the office administering the contract.

(b) The office administering the contract will: (1) Mark the original and one copy of the clearance for the accounting and finance officer, (2) attach them to the voucher liquidating the reserve if the voucher is in its possession, (3) make appropriate certification, and (4) forward to the accounting and finance office, together with the audit voucher liquidating the reserve, if the voucher is in its possession. The office administering the contract will retain one copy of the clearance.

(c) The accounting and finance office will forward the original to the General Accounting Office and retain the other copy.

§ 1009.1108 Responsibility of the command staff judge advocate.

(a) AFLC (MCJCP) and AFSC (SCJP) will be responsible for rendering advice and assistance on all questions concerning this subpart which have been forwarded through the appropriate AFLC or AFSC local staff judge advocate; will process confirmatory licenses to Hq USAF and will make recommendations to contracting officers regarding the granting to contractors of greater rights in inventions and regarding the question as assuming prosecution by the Air Force of patent applications where the contractor has indicated an intention to discontinue prosecution of a patent application filed on a "subject invention."

(b) Deviations to recommendations made by the office of the Staff Judge Advocate (SCJP) will be processed only with written coordination by the SJA's office (SCJP).

§ 1009.1109 Evaluating invention disclosures.

The procedure for evaluating contractor invention disclosures, as well as the procedure for evaluating AF employee invention disclosures, is set forth in AFR 110-8.

PART 1015—CONTRACT COST PRINCIPLES AND PROCEDURES

10. Part 1015—Contract Cost Principles and Procedures, is deleted.

PART 1018—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES

Subpart A—General Provisions

11. Sections 1018.117, 1018.117-1, 1018.117-4, and 1018.151 are added as follows:

§ 1018.117 Performance evaluation of construction contracts.

§ 1018.117-1 Preparation of performance reports.

(a) and (b) No implementation.

(c) The performance evaluation report will be prepared by the contracting officer administering the contract. Review will be accomplished at an organizational level higher than the procurement office at the activity effecting the procurement.

§ 1018.117-4 Reports control symbol.

Reports Control HAF-XDD-N20 has been assigned to this report.

§ 1018.151 Inspection and acceptance.

Final inspection and acceptance of work under construction contracts is the responsibility of the contracting officer or his authorized representative. When necessary, the contracting officer will obtain technical assistance from qualified engineering personnel. Upon completion of the final inspection, the contracting officer will determine whether final acceptance is appropriate. If it is not, the contracting officer will advise the contractor in writing, setting forth the reasons why the work is not acceptable. If final acceptance is appropriate, the contracting officer will issue a written notice of final acceptance to the contractor. The notice will state that it is final and conclusive except as regards latent defects, fraud (or such gross mistakes as may amount to fraud) or the Government's rights under any warranty or guaranty required by the contract terms. A copy of all correspondence relating to final inspection and acceptance will be made part of the contract file.

PART 1054—CONTRACT ADMINISTRATION

Subpart AA—Special Bank Accounts for Advance Payments

§§ 1054.2702—1054.2708 [Deleted]

12. Subpart AA—Special Bank Accounts for Advance Payments, is deleted.

PART 1060—BALLISTIC MISSILE AND SPACE SYSTEM PROGRAMS

13. Part 1060—Ballistic Missile and Space System Programs, is deleted.

(Secs. 8012, 2301-2314, 70A Stat. 488, 127-133; 10 U.S.C. 8012, 2301-2314) [AFPI Revision No. 85, Dec. 29, 1967; AF Procurement Circular No. 2, Jan. 12, 1968]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 68-2716; Filed, Mar. 5, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER—INTERNATIONAL MAIL

Appendix—Directory of International Mail

INCREASED PARCEL POST WEIGHT LIMIT TO MAURITIUS AND DEPENDENCIES (INCLUDING RODRIGUES)

I. In the country item Mauritius and Dependencies (including Rodrigues) under Parcel Post the item *Weight limit* is revised to show a new 22 pound limit.

PARCEL POST

Weight limit.—22 pounds.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

FEBRUARY 29, 1968.

[F.R. Doc. 68-2730; Filed, Mar. 5, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 39—Post Office Department

PART 39-1—GENERAL

Subpart 39-1.3—General Policies

PROCUREMENT CONTRACTS

Sections 39-1.315, 39-1.315-1, 39-1.315-2, and 39-1.315-3 are added to Subpart 39-1.3 of Title 41, Code of Federal Regulations to implement F.P.R. 1-1.315 to provide specific policy guidelines, and clauses governing use of liquidated damages in contracts for supplies and services furnished the Post Office Department and are effective upon publication in the FEDERAL REGISTER.

Sec.

39-1.315 Use of liquidated damages provisions in procurement contracts.

39-1.315-1 General.

39-1.315-2 Policy.

39-1.315-3 Contract provisions—Contracts for supplies and services.

§ 39–1.315 Use of liquidated damages provisions in procurement contracts.

§ 39–1.315–1 General.

This § 39–1.315 prescribes (a) policy which shall govern Post Office Department contracting officers in the use of liquidated damages provisions in contracts for supplies and services entered into by formal advertising or by negotiation, (b) a schedule, to be used as a guide in computing liquidated damages, and (c) provisions which shall be inserted in contracts for supplies and services when liquidated damages are stipulated.

§ 39–1.315–2 Policy.

(a) Liquidated damages provisions normally will not be utilized but may be used only (1) when the circumstances are such that the Government may suffer substantial financial loss or disruption to the mail service because of delay, (2) the necessity for delivery or performance as stated in the contract schedule is so imperative that a probable increase in contract cost is justified, and (3) the extent or amount of such damage would be difficult or impossible of ascertainment or proof. The amount of liquidated damages shall always be expressed on a per calendar day basis.

(b) Liquidated damages provisions shall not be used as insurance against selection of a nonresponsible bidder, as a substitute for efficient contract administration, nor as a penalty for failure to deliver or perform on time. Since damages suffered by delay in delivery or performance may be mitigated by timely exercise of termination for default, the maximum liquidated damages shall not exceed the rate per calendar day multiplied by 180.

(c) The following schedule of liquidated damages shall be used in procurements of fixed mechanization systems alterations and modifications to fixed mechanization systems, and may be used as a guide in other supplies and services contracts, provided the conditions described in paragraph (a) of this section obtain. The daily rates shown represent anticipated costs for contract administration and supervision, and for interest on the Government's investment. In unusual instances, rates other than those shown may be substituted with prior approval of the Director, Procurement Division.

Estimated contract cost		Rate for liquidated damages (Dollars per calendar day) rate [1]
As much as	But less than	
$25,000	$100,000	$25
100,000	200,000	50
200,000	400,000	75
400,000	800,000	100
800,000	1,000,000	125
1,000,000	2,000,000	250
2,000,000	4,000,000	500
4,000,000	6,000,000	750
6,000,000	8,000,000	850
8,000,000	10,000,000	1,000
10,000,000	12,000,000	1,200
12,000,000	14,000,000	1,350
14,000,000	16,000,000	1,525
16,000,000	20,000,000	1,900
20,000,000	25,000,000	2,400
over 25,000,000		3,000

[1] The maximum cumulative liquidated damages shall not exceed the daily rate x 180.

(d) Liquidated damages provisions shall not be included in any supplies or services contract without the prior approval of the Director, Procurement Division.

§ 39–1.315–3 Contract provisions—contracts for supplies and services.

When approved pursuant to § 39–1.315–2(d), include the following clauses in the schedule portion (SF36) of the solicitation and contract:

"Liquidated Damages

"Article 11(f) of Standard Form 32, General Provisions (Supply Contract), is redesignated as Article 11(g) and the following is inserted as Article 11(f):

"(f) (i) In the event the Government exercises its right of termination as provided in paragraph (a) above, the Contractor shall be liable to the Government for excess costs as provided in paragraph (b) above and, in addition, for liquidated damages, in the amount set forth elsewhere in this contract, as fixed, agreed, and liquidated damages for each calendar day of delay, until such time as the Government may reasonably obtain delivery or performance of similar supplies or services; except that the amount of liquidated damages shall not exceed the cumulative amount specified in the 'Rate of Liquidated Damages' clause.

"(ii) If the contract is not so terminated, notwithstanding delay as provided in paragraph (a) above, the Contractor shall continue performance and be liable to the Government for such liquidated damages for each calendar day of delay until the supplies are delivered or services performed; except that the amount of liquidated damages shall not exceed the cumulative amount specified in the 'Rate of Liquidated Damages' clause.

"(iii) The Contractor shall not be liable for liquidated damages for delays due to causes which would relieve him from liability for excess costs as provided in paragraph (c) of this clause."

"Rate of Liquidated Damages

"In the case of failure on the part of the Contractor to complete delivery or performance within the time fixed in the contract or any extension thereof, the Contractor shall pay to the Government as liquidated damages, pursuant to Article 11, of Standard Form 32, General Provisions (Supply Contract), the sum of _____ for each calendar day of delay, except that the cumulative amount of such damages shall not exceed _____."

(5 U.S.C. 301, 39 U.S.C. 501, 40 U.S.C. 486)

TIMOTHY J. MAY,
General Counsel.

MARCH 1, 1968.

[F.R. Doc. 68–2750; Filed, Mar. 5, 1968; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68–234]

PART 73—RADIO BROADCAST SERVICES

Nighttime Requirements for Standard Broadcast Station Assignments

In the matter of amendment of § 73.24(b)(3) of the commission rules concerning nighttime requirements for standard broadcast station assignments.

1. The "go-no go" rules concerning allocation of standard broadcast stations adopted July 1, 1964 (Docket No. 15084, 2 RR 2d 1658), limited the assignment of new nighttime standard broadcast operations by requiring, among other things, that 25 percent of the proposed nighttime service area be without existing primary service. The technical reasons for adopting this "white area" requirement were set forth in paragraphs 25 through 29, inclusive, of the report and order in that proceeding.

2. We are presently reexamining our conclusions therein, in light of our experience with the 25 percent requirement over the past 3 years—and the effect of the rule on nighttime AM station assignments—with the intention of instituting a rule making proceeding if our studies indicate the public interest would be served thereby.

3. We note, however, that in providing in our 1961 clear channel decision for the assignment of Class II–A stations on certain Class I–A channels (31 FCC 565), we required that they bring a first primary service to at least 25 percent of the area or population sought to be served (§ 73.22(b)). Since there is no logical reason why nighttime assignment standards for Class II and Class III stations generally should be more restrictive than those governing Class II–A station assignments, we are amending § 73.24(b)(3) to align the former with the latter.

4. Since the amendment herein ordered is a relaxation of existing requirements, and only for the purpose of achieving consistency in assignment standards, it does not adversely effect any party. Notice of proposed rule making therefore need not be given. For the same reason, the effective date provisions of section 4 of the Administrative Procedure Act do not apply. Authority for the adoption of this amendment is contained in sections 301, 303(c), and 303(r) of the Communications Act of 1934, as amended.

5. *Accordingly, it is ordered,* That, effective March 8, 1968, § 73.24(b)(3) of the commission rules and regulations, is amended as set forth below.

(Secs. 301, 303, 48 Stat., as amended, 1081, 1082; 47 U.S.C. 301, 303)

Adopted: February 28, 1968.

Released: March 1, 1968.

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

1. Section 73.24(b)(3) is amended as follows:

§ 73.24 Broadcast facilities; showing required.

* * * * *

(b) * * *

(3) That a proposed new nighttime operation or change in frequency of any existing nighttime operation (except Class IV stations) would (i) not cause objectionable interference to any existing station (see § 73.182(o)); and (ii) provide a first primary AM service to at least 25 percent of the area within the

proposed interference-free nighttime service area or at least 25 percent of the population residing therein.

* * * * *

[F.R. Doc. 68-2756; Filed, Mar. 5, 1968; 8:48 a.m.]

[Docket No. 17684; FCC 68-233]

PART 73—RADIO BROADCAST SERVICES

Assignment of UHF Channel to Ironwood, Mich.

In the matter of amendment of television table of assignments in § 73.606(b) of the commission's rules and regulations to assign a UHF Television broadcast channel to Ironwood, Mich., Docket No. 17684, RM-1142.

1. The Commission here considers the rule making to amend the Television Table of Assignments (sec. 73.606(b) of the Commission's rules and regulations) to assign Channel 24 to Ironwood, Mich. The notice of proposed rule making, adopted August 24, 1967 (FCC 67-985), sets forth the pertinent facts and considerations as to how the public interest would be served, including a finding that Channel 24 is the most efficient assignment under existing criteria of the overall UHF assignment plan. In this respect, such assignment will not foreclose other areas or communities from channel assignments, since there are numerous channels available if so needed. No comments were filed in response to the Notice.

2. A survey conducted by Walter H. Kalata—the petitioner who is a broadcaster—satisfies him that there is adequate economic support for a television broadcast station at Ironwood, and that there is a community need and desire for a television station. A station at Ironwood could serve 50,000 persons in upper Michigan and northern Wisconsin. The principal service around Ironwood is now from a CATV which carries distant signals which are not responsive to specific needs of the area; the closest television station is located 70 miles away. Ironwood, population 10,265 (1960 Census), is the largest city and the county seat of Gogebic County (population 25,370), and it is the commercial, recreational, and cultural center of several counties in Michigan and Wisconsin.

3. In sum, the addition of a commercial television assignment would make it possible for the construction of a television broadcast facility to meet the needs of a substantial area and population which is not otherwise adequately served. Ironwood is not currently included in the table of assignments because of its size. An assignment may be made to a city of less than 25,000, if, as here, a party is prepared to promptly proceed with construction and operation of a station. Petitioner has made a statement to this effect. In these circumstances, the public interest would be served by the assignment of Channel 24 to Ironwood, Mich.

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

5. In view of the foregoing, *It is ordered*, That § 73.606(b) of the Commission's rules and regulations, Television Table of Assignments, is amended, effective April 8, 1968, to read as follows:

City	*Channel No.*
Ironwood, Mich	*15, 24

6. *It is further ordered*, That this proceeding is terminated.

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

Adopted: February 28, 1968.

Released: March 1, 1968.

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

[F.R. Doc. 68-2757; Filed, Mar. 5, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minn.

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

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

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to fishing. This posted area comprising 50 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 18, 1968, through September 30, 1968, during daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1968.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn. 55760.

FEBRUARY 28, 1968.

[F.R. Doc. 68-2723; Filed, Mar. 5, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

CRANBERRIES GROWN IN CERTAIN STATES

Expenses and Rate of Assessment

Consideration is being given to the following proposal submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

That the Secretary find that provisions pertaining to the expenses and rate of assessment in paragraph (a) and (b) of § 929.208 *Expenses and rate of assessment* (32 F.R. 13253) be amended as follows:

§ 929.208 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period August 1, 1967, through July 31, 1968, in accordance with the marketing agreement, as amended, and this part, will amount to $20,537.80.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at one cent ($0.01) per barrel of cranberries, or equivalent quantity of cranberries.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: March 1, 1968.

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

[F.R. Doc. 68–2783; Filed, Mar. 5, 1968; 8:50 a.m.]

[7 CFR Part 950]

IRISH POTATOES GROWN IN MAINE

Notice of Proposed Rate of Assessment and Increase in Expenses

Consideration is being given to the approval of a proposed rate of assessment and an increase in the expenses for the current fiscal period as hereinafter set forth which were recommended by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122, as amended, and Order No. 950, as amended (7 CFR Part 950).

This marketing order program regulates the handling of Irish potatoes grown in Maine and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

Section 950.212 (33 F.R. 359), is hereby amended to read as follows:

§ 950.212 Expenses.

(a) The reasonable expenses that are likely to be incurred by the Maine Potato Marketing Committee, established pursuant to Marketing Agreement No. 122 and this part (Order No. 950), both as amended, to enable such committee to perform its functions under provisions of the amended marketing agreement and order during the fiscal period ending August 31, 1968, will amount to $22,000.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be $1 per railroad car or truckload of 25,000 pounds or over, and $0.50 (fifty cents) per truckload of less than 25,000 pounds or the respective equivalent quantities of potatoes handled by him as the first handler thereof and which were regulated under this part during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending August 31, 1968, may be carried over as a reserve.

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

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

Dated: February 29, 1968.

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

[F.R. Doc. 68–2747; Filed, Mar. 5, 1968; 8:47 a.m.]

[7 CFR Part 966]

[AO–265–A1]

TOMATOES GROWN IN FLORIDA

Decision and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Orlando, Fla., December 1, 1967, pursuant to notice thereof which was published in the November 18, 1967, issue of the FEDERAL REGISTER (32 F.R. 15884), upon proposed amendments to Marketing Agreement No. 125 and Order No. 966 (7 CFR Part 966) regulating the handling of tomatoes grown in the Florida production area.

On the basis of the evidence presented at the hearing and the record thereof, a recommended decision in this proceeding was filed on January 30, 1968, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the February 2, 1968, issue of the FEDERAL REGISTER (33 F.R. 2526). The notice allowed 15 days after publication (or until Feb. 17, 1968) for filing exceptions thereto.

Rulings. Within the period provided therefor, exceptions to the proposed amendments were filed by interested parties as listed. Each point in the exceptions was given careful consideration in conjunction with the evidence pertaining thereto in arriving at the findings and conclusions.

(a) Exceptions filed by Hughlan Long, Attorney for Dade County Tomato Growers, South Miami, Fla.:

In Exception No. 1, Mr. Long indicates that the hearing at Orlando, Fla., on December 1, 1967, to consider the proposed amendments was illegally called because the committee did not follow the provisions of "Paragraph 945.25" (§ 966.25) of the Marketing Order before recommending redistricting of the production area.

Actually this section of the order (§ 966.25) permits the committee to recommend, and the Secretary to approve, the reapportionment of members among districts, and the reestablishment of

districts within the production area, without a public hearing. However, this section does not authorize changing the boundary lines of the production area.

In the proposed amendments, including a proposed change in the production area, the committee acted pursuant to § 966.92 (formerly 945.92) which reads as follows:

§ 966.92 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

In any event, the act and the applicable rules of practice and procedure (7 CFR Part 900.1 et seq.) authorize the calling of an amendment hearing even though it was not proposed by the committee. Accordingly, this exception is denied.

In Exception No. 2, Mr. Long opposes the deletion of District No. 5 from the production area. He indicates that "although testimony and evidence revealed some minor differences in the marketing of tomatoes in District No. 5 from the other districts, there was no showing that the production or marketing of tomatoes in District No. 5 was in any way different than it was in 1955 when District 5 was originally placed in the production area." He also indicates that excluding this district could give an incentive to other like districts to withdraw in the future.

According to the record evidence as presented in the recommended decision, tomato acreage in District No. 5 declined substantially, from approximately 4,950 acres in the 1953–54 season, or 9 percent of the State's total, to 1,260 acres, or 2.3 percent of the State's total of 54,000 acres planted in the 1965–66 season, and 2.4 percent of the State's 51,600 acres harvested in the 1965–66 season.

Because of this decline in District No. 5's tomato acreage and production, along with the other reasons listed in the recommended decision, including the lateness of District No. 5's marketing period, it was found that the deletion of District No. 5 from the production area would reduce the size of the production area to the smallest practicable size in accordance with the declared policy of the act, and yet retain in it over 97 percent of the State's acreage and production of tomatoes.

The substance of this exception was given in testimony at the hearing and was considered in arriving at the recommended decision. Since this exception does not accord with the record evidence findings, it is hereby denied.

Exception No. 3. Exception is taken to the recommendation of requiring only eight concurring votes of the Florida Tomato Committee to pass any committee action instead of requiring 10 concurring votes.

According to the record evidence, with the deletion of District No. 5 from the production area and a corresponding reduction in the membership of the 15-member committee by the three members who presently represent this district, it is logical that the number required to constitute a quorum and to pass any committee action should also be reduced proportionately.

Under the present order two-thirds of the 15-member committee are required to approve any committee action. Similarly, two-thirds of the proposed new 12-member committee would be the logical number required to approve any action.

The substance of this exception was in record evidence and was carefully considered in the recommended decision. Since this exception is at variance with the record evidence and findings thereon, it is hereby denied.

Exception No. 4. Exception is taken to the finding that District No. 1 in the 1965–66 season produced only 27.1 percent of the tomatoes grown in the State of Florida, whereas Exhibit No. 28 of the hearing record shows that District No. 1 produced 35.5 percent of the State's total during the 1966–67 season. Therefore, the exception contends, according to production, District No. 1 should be entitled to a similar percentage of membership on the committee.

The recommended decision gave data showing that District No. 1 produced 31.8 percent of the State's production in the 1964–65 season, and 27.1 percent of the State's production in the 1965–66 season. These figures and percentages were taken from published data in Exhibits 18 and 19. The data in Exhibit No. 28 were not used in the recommended decision because the total 1966–67 production in that exhibit is given as a preliminary figure, hence the percentage produced in District No. 1 of the total would also be a preliminary figure.

Even if it is assumed that the data given in Exhibit No. 28 are final figures, they would not be dispositive of the question of whether or not District No. 1 should have an additional member on the committee for the following reasons:

(1) When this marketing order program was promulgated, the districts were worked out by the industry to represent the best basis which could be devised for providing fair and equitable representation on the committee. More emphasis was given to the fact that each district was known and recognized as a separate and distinct producing section. The districts were established on a geographical basis, with consideration, among other factors, given to the number of producers and the production in each district. The membership in each district was not established in direct proportion to the number of producers or production. Instead, some districts had more production than others while some had a greater number of producers. There is no evidence in the record to indicate that the situation has changed in this regard from what it was when the order was promulgated.

(2) If, however, there should be a need to redistrict, or to reapportion membership among the districts, the order provides a method for doing so without the need for promulgation proceedings. Consideration should not be given to changing the representation for District No. 1 without also carefully evaluating and considering the needs of each district in the production area in relation to each other. For example, Districts 2 and 3 also might be considered for additional members on the basis of their recent production as evidenced by Exhibit No. 18 of the record.

In view of the foregoing, this exception is denied, with the understanding that producers in each district shall be given an opportunity to consider the question of redistricting and reapportionment of membership within one year after the reactivation of this program. However, such redistricting and reapportionment of membership should be accomplished in accordance with the provisions of § 966.25 of the order only after this question is thoroughly discussed at grower meetings.

(b) Exceptions filed by Richard B. Stone, State Senator, 48th District, Miami, Fla.:

Mr. Stone registered objection to the exclusion of the North Florida District on the grounds that an agreement beneficial to ground-grown tomatoes in South Florida would be similarly beneficial to ground-grown tomatoes in North Florida.

He also objected to the membership structure as being totally disproportionate to the acreage and volume for tomatoes grown in the South Florida District, as compared to the total State, and, therefore, a marketing agreement could be discriminatory and weighted against the area he represents.

As these exceptions are substantially the same as exceptions (a)2 and (a)4, they are denied for the same reasons.

Material issues, findings and conclusions. The material issues, findings, and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (33 F.R. 2526) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Tomatoes Grown in Florida" and "Order Amending the Order Regulating the Handling of Tomatoes Grown in Florida" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1966, through July 31, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum) were engaged in the production area in the production of

tomatoes for market, to determine whether such producers favor the issuance of the annexed order.

Minard F. Miller and Francis N. Andary of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.; 30 F.R. 15414).

The ballots used in the referendum shall contain a summary of the proposed amendments to be voted on.

It is hereby ordered, That this decision and referendum order, except the annexed marketing agreement,[1] as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order which will be published with this decision.

Dated: March 1, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

Order[2] *Amending the Order Regulating the Handling of Tomatoes Grown in Florida*

§ 966.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Orlando, Fla., on December 1, 1967, upon proposed amendments to Marketing Agreement No. 125 and Order No. 966 (7 CFR Part 966), regulating the handling of tomatoes grown in the Florida production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

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

(2) The said order regulates the handling of tomatoes produced in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which a hearing has been held;

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

(4) There are no differences in the production and marketing of tomatoes in the production area covered by the order which require different terms applicable to different parts of such area; and

(5) All handling of tomatoes produced in the production area and in the current of commerce between the regulation area and any point outside thereof is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of tomatoes produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order which are as follows:

1. Delete § 966.4, *Production area,* and in lieu thereof insert a new § 966.4 as follows:

§ 966.4 Production area and regulation area.

(a) "Production area" means the counties of Pinellas, Hillsborough, Polk, Osceola, and Brevard in the State of Florida, and all the counties of that State situated south of such counties.

(b) "Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

2. Delete § 966.6, *Handler,* and in lieu thereof insert a new § 966.6 as follows:

§ 966.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting tomatoes for another person) who, as owner, agent, or otherwise, handles fresh tomatoes or causes fresh tomatoes to be handled.

3. Delete § 966.7, *Handle,* and in lieu thereof insert a new § 966.7 as follows:

§ 966.7 Handle.

"Handle" or "ship" means to sell, transport or in any other way to place fresh tomatoes, produced in the production area, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

4. Amend § 966.22, *Establishment and membership,* to read as follows:

§ 966.22 Establishment and membership.

(a) The Florida Tomato Committee, consisting of 12 producer members, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

5. Amend § 966.24, *Districts,* by deleting District No. 5 to read as follows:

§ 966.24 Districts.

For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Broward and Dade in the State of Florida;

District No. 2. The counties of Brevard, Glades, Indian River, Martin, Osceola, Okeechobee, Palm Beach, and St. Lucie in the State of Florida;

District No. 3. The counties of Charlotte, Collier, Hendry, Lee, and Monroe in the State of Florida; and

District No. 4. The counties of De Soto, Hardee, Highlands, Hillsborough, Manatee, Pinellas, Polk, and Sarasota in the State of Florida.

6. In § 966.27, *Nomination,* amend paragraphs (a), (b), and (c) to read as follows:

§ 966.27 Nomination.

* * * * *

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. The committee shall hold such meetings or cause them to be held prior to June 15 of each year or by such other date as may be approved by the Secretary pursuant to recommendation of the committee.

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate on the committee.

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year, or by such other date as may be approved by the Secretary pursuant to recommendation of the committee.

* * * * *

7. In § 966.32, *Procedure,* amend paragraph (a) to read as follows:

§ 966.32 Procedure.

(a) Eight members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

* * * * *

8. Delete § 966.44, *Refunds,* and in lieu thereof insert a new § 966.44 as follows:

§ 966.44 Excess funds.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph

[1] Filed as part of the original document.

[2] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) of this paragraph, to the extent practical it shall be refunded proportionately to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination any funds not required to defray the necessary expenses of liquidation, and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

9. In § 966.52, *Issuance of regulations*, amend paragraph (a) by including maturity as a factor of grade or quality, so as to read as follows:

§ 966.52 **Issuance of regulations.**

* * * * *

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities (including maturity as a factor of grade or quality), or packs of any or all varieties of tomatoes, during any period; or

* * * * *

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

[F.R. Doc. 68–2746; Filed, Mar 5, 1968; 8:47 a.m.]

[7 CFR Part 1125]

[Docket No. AO 226–A16]

MILK IN THE PUGET SOUND, WASH., MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Seattle, Wash., on March 14–16, 1967, pursuant to notice thereof issued on March 6, 1967 (32 F.R. 3834).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on August 7, 1967 (32 F.R. 11567; F.R. Doc. 67–9373) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 11567; F.R. Doc. 67–9373) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

INDEX OF CHANGES

1. Under Issue 1 "Classification and pricing of milk used in manufactured products":

(a) The 12th paragraph is deleted, and three paragraphs are substituted thereat.

(b) Eight paragraphs are added immediately following the 24th paragraph.

2. The last paragraph under Issue 4 "Reload points" is revised and a new paragraph is added.

3. Four paragraphs are substituted for the two paragraphs under Issue 6 "Provision for other market milk".

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

1. Establishing a higher priced class for specified manufacturing products and applying Class I location differentials thereto;

2. Modification of the basis of computing the location adjustment applicable to the excess price as a corollary to changes in classification and pricing;

3. Redistricting certain counties in and adjacent to the marketing area for purposes of revising location adjustments on class prices and in paying producers;

4. Elimination of provisions which permit pool plant status of reload facilities and as points for pricing producer milk;

5. Providing for the proration of receipts among several handlers with respect to split deliveries of a bulk tank load of producers' milk;

6. Providing for nonproducer milk status on milk from other markets (not Federal order markets) used solely for manufacturing purposes under the Puget Sound order; and

7. Miscellaneous and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Classification and pricing of milk used in manufactured products.* The order should be amended to divide the present Class II classification into two classes. The new Class II should include all skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, bakers' cheese, pot cheese, cream cheese and neufchatel cheese. Condensed milk and skim milk used to produce any Class II milk product, and fluid milk products disposed of in bulk to a commercial food processing establishment should also be classified as Class II.

Class III would include all other manufactured dairy products currently classified as Class II. The principal items in Class III would include all skim milk and butterfat used to produce evaporated milk, condensed milk and skim milk (not otherwise classified as Class II), butter, nonfat dry milk solids, powdered whole milk, casein, Cheddar and Italian cheeses, milk in shrinkage and in fluid milk products dumped, or disposed of for livestock feed.

The new Class III would be priced at the present Class II price and the new Class II utilization would be priced 25 cents above that figure.

The order presently provides for a two-class pricing system whereby most manufactured products are classified as Class II. The Class II price is based on the Minnesota-Wisconsin price series, not to exceed a limit related to butter and nonfat dry milk values.

In addition, the order now provides for a plus 25 cent per hundredweight location adjustment applicable to milk in certain Class II uses (principally condensed, cottage cheese, ice cream and ice cream mix) at District 1 plants or those located in the counties of Kitsap, Mason, or Pierce.

The United Dairymen's Association, representing about two-thirds of the producers on the market, proposed a new Class III to include skim milk and butterfat used to produce butter, nonfat dry milk, powdered whole milk, Cheddar cheese, milk dumped and in shrinkage. They modified their proposal on the record to include in Class III milk utilized in all cheeses (including Cheddar) having 50 percent or more butterfat on a dry basis (generally cheeses manufactured from whole milk) and in Class II, all other cheeses not meeting this butterfat standard. Other items proposed for inclusion in Class II were evaporated milk and the products to which the special Class II location adjustment is now applicable in the District 1 area, mainly condensed milk, cottage cheese, ice cream and ice cream mix.

The association proposed a Class III milk price the same as the present Class II, and a price for skim milk and butterfat utilized as Class II products 25 cents over such Class III price and, with one exception, subject to the same location differentials as are now applicable to Class I milk. Location adjustments for this purpose would be limited to a maximum of 25 cents per hundredweight.

The association proposals for classification and pricing in effect would extend the present plus adjustment (25 cents per hundredweight) now applicable to usage in certain Class II products in certain parts of the market to apply on a marketwide basis, as well as making it applicable to additional products, principally evaporated milk and cheeses having less than 50 percent butterfat on a dry basis. At plants outside District 1 and not located in Kitsap, Mason, or Pierce Counties, the proposed Class II price would be adjusted by the location differentials now applicable to Class I milk.

In support of their position on these proposals the proponent association indicated that handlers in the market have demonstrated a preference for Grade A milk and skim milk for use in the manufactured products in the proposed Class II classification.

The Cow Milkers' Association and most regulated handlers generally objected to an increase in order minimum prices for certain manufactured products, particularly for skim milk and butterfat utilized in evaporated and condensed milk and in the Italian and other types of cheeses having less than 50 percent butterfat on a dry basis. Generally, their testimony was directed to the similarity in the competitive situation relative to the sale of evaporated and condensed milk and the Italian type cheeses with butter and powder on a national market. Mozzarella cheese, the principal Italian variety of cheese manufactured in the market, is sold in Washington and Oregon and some quantities are sold to outlets located in Alaska and Japan. A substantial distribution of evaporated milk products is made to outlets located in Utah and as far south as the Mexican border.

It is concluded that the present Class II products for which the Class II premium location adjustment is now applicable in District 1 (and the three-county area), principally cottage cheese, ice cream and ice cream mix and condensed milk, should be included in the new Class II classification and be priced 25 cents per hundredweight higher than the present Class II milk price. Skim milk and butterfat utilized in manufactured products such as evaporated milk, butter, hard and Italian type cheeses and dry milk solids, whole or nonfat, should be classified as Class III and priced on the basis of the present Class II pricing formula.

The terms evaporated and condensed milk are sometimes applied interchangeably to bulk products. To provide a clear distinction between the two in the administration of the order it should be specified that the term evaporated milk applies only to that product which is sterilized in sealed metal containers. It should encompass the product so packaged whether made from whole milk, skim milk or partially skimmed milk.

For convenience and economy of administration the definitions of Class II and Class III milk, as they relate to condensed milk or condensed skim milk, should be further clarified. Condensed milk utilized in the manufacture of any product here defined as Class II should also be classified as Class II. The Class III classification of condensed milk or condensed skim milk should be confined to that which is reused in the manufacture of a product such as evaporated milk or nonfat dry milk and that used in fortifying a Class I product. The Class III classification will apply only when such reuse occurs in a pool plant or in a nonpool plant located within the marketing area. There are no manufacturing facilities located adjacent to the marketing area boundaries that are known to utilize condensed milk in the manufacture of Class III milk products. The principal use of condensed milk or condensed skim milk is in the manufacture of ice cream, a Class II utilization. It is seldom hauled long distances for further processing into Class III products such as nonfat dry milk, evaporated milk, or hard cheeses.

Condensed milk is frequently shipped to points as far away as Alaska for use in ice cream. The cost to the market administrator of verifying the actual use of such condensed milk would be prohibitive. Hence, any condensed milk or condensed skim milk which is disposed of outside the marketing area, other than to a pool plant should be classified as Class II milk. This will obviate the necessity of the market administrator's being required to travel long distances to determine by audit the ultimate use of such product.

Ice cream, ice cream mix, and cottage cheese constitute a substantial outlet for reserve market supply of producer milk. Also, the ice cream and cottage cheese market is a year-round market requiring regularity of supply of producer milk to meet the market needs. During 1965, about 25 percent of producer milk was so utilized. The principal use of condensed milk in the market is in the manufacture of these products.

Although there is no requirement throughout the area that Grade A milk be used in the manufacture of ice cream, ice cream mix and cottage cheese, there is, however, a general demand by handlers for Grade A milk and skim milk on a regular basis for such uses.

Handlers manufacturing ice cream and cottage cheese in this market rely upon cooperative associations for a substantial quantity of the Grade A supply of producer milk for such purposes.

The added value now associated with producer milk in such uses in the District 1 area above that of other manufactured products should attach also to all the milk so utilized by handlers regulated under the order. This, together with appropriate adjustments for location as hereinafter adopted, will promote uniformity in pricing among handlers, regardless of the location of their plants, and will return uniformly to all producers on the market the proceeds for such higher valued uses.

The Everett-Seattle-Tacoma metropolitan areas are the predominant population centers in the market and thus represent the principal outlets for fluid milk products as well as ice cream, cottage cheese and other Class II products.

Slightly more than two-thirds of the milk which would be classified and priced as Class II is now received at District 1 plants. Of the remainder, some moves to the market in the form of cottage cheese. This cheese is manufactured at a plant located at Chehalis, Wash., which is in District 3.

Much of the remaining milk which would be classified as Class II and which is received at plants outside District 1 is moved in the form of condensed skim for use in ice cream and ice cream mixes. The volume of milk moving to the central market in condensed form has been increasing steadily.

Inasmuch as handlers located in the central market area generally are dependent upon supplemental Grade A milk supplies from the other pricing districts of the marketing area, the differences in cost of transporting producer milk for the higher valued Class II uses should be reflected in the relative returns to producers in the respective districts.

The proponents recommended that the location differentials applicable to Class II milk be at the same rate as those applied to Class I milk.

As noted above, however, a very substantial and increasing proportion of the milk which would be classified as Class II at plants located outside District 1 moves to District 1 plants in concentrated form. The cost of moving skim milk in the form of cottage cheese or condensed is much less than the cost of moving an equivalent volume of fluid skim milk in an unconcentrated state. Hence, to allow location differentials based on the cost of moving whole milk or skim milk in a volume equivalent to the solids in the concentrated product would result in producers paying the cost of transporting to District 1, the water which was removed from the skim milk at the country plants.

To prevent this, the rate of location differential on Class II products should be established at one-half the rate applicable to Class I milk. No change should be made in the rate of the location differential applicable to the uniform price paid to producers.

Proponents proposed that the location differential on Class II milk should not exceed 25 cents regardless of the location of the plant. Otherwise, producers could receive a price less than the Class III price for a portion of their milk. Fixing the location differential for Class II milk at one-half the rate established for Class I milk will eliminate the possibility, since the maximum rate applicable to Class I milk is 40 cents per hundredweight.

Exceptions to the classification and pricing of condensed milk and cottage cheese were filed on behalf of one proprietary handler and one group of cooperative associations. The former excepted to both the classification and the rate of the location differential, the latter only to the rate of the location differential.

Exceptions with respect to the classification of these products are denied for the reasons set forth above.

With respect to the location differential it was argued that no one had specifically proposed the rate adopted. It was further contended that since condensed milk and cottage cheese moved to market in smaller quantities than does whole milk the transportation cost per unit is much higher. They argued that, in terms of its milk equivalent, the cost of moving the condensed product equals or exceeds the cost of moving whole milk.

The exception that no one specifically proposed the rate adopted has no merit. The Secretary must have freedom to exercise his judgment in adapting proposed amendments to fit the needs of the market based on all the evidence contained in a hearing record. Otherwise it might be impossible to amend orders from time to time to insure their continued effectuation of the declared policy of the Act. If the Secretary were bound to except or reject the specific proposals contained in a notice of hearing and had no authority to modify them when it was

necessary, the whole marketing order program would be jeopardized, and the hearing procedures would lose their significance.

Concerning the amount of the rate, their argument concentrated on the cost of moving cottage cheese from a plant at Chehalis, Washington, to points in the Seattle-Tacoma Metropolitan area. They cited the difference between the published hauling rates for cottage cheese[1] and the cost of moving the fluid equivalent of 100 pounds of cottage cheese. The conversion factor used by the exceptors applies to creamed cottage cheese rather than to cottage cheese curd. The cottage cheese processed at the Chehalis plant moves to the market as creamed cottage cheese packed in consumer size cartons. Exceptor's comparison was based on published rates for a single plant (Chehalis, Wash.) in District 3 (Lewis County). The published rates for cottage cheese range between 64 cents and $1.09 per hundredweight depending on the size of the load and the point of delivery in the Seattle-Tacoma Metropolitan area. These rates apply to cottage cheese in consumer packages and include the weight of the cartons. Exceptor states that since the cartons represent about 5 percent of the total weight, the rates actually apply to the movement of about 95 pounds of cottage cheese. They argue, therefore, that the actual cost of moving cottage cheese, exclusive of cartons, ranges from 67 cents to $1.14 per hundredweight. There is no evidence as to whether the rates are representative of those applicable elsewhere in the State.

In the dairy industry generally cottage cheese curd is hauled in bulk from manufacturing plants to city processing plants for creaming and packaging in consumer-type cartons. Creaming and packaging at country plants is not the usual practice. Conversion factors applied to the movement of cottage cheese curd indicate that the rates adopted herein are representative of the cost of moving cottage cheese curd. Assuming a yield of 14 pounds of cottage cheese curd per hundredweight of skim milk, the skim milk equivalent of one hundred pounds of cottage cheese curd will be about 715 pounds. At 20 cents per hundredweight, the rate of the location differential applicable to movements of Class I milk from Chehalis to Seattle-Tacoma, the transportation cost for 715 pounds of skim milk would be approximately $1.43 per hundredweight. Applying the proposed rate of 10 cents per hundredweight, the location differential allowed on 715 pounds of skim milk classified as Class II would be 71.5 cents per hundredweight at Chehalis.

The lowest published rate cited by exceptors for cottage cheese was 64 cents per hundredweight which is 7.5 cents per hundredweight less than the rate proposed. Most of the rates cited by exceptor which are higher than that recommended apply to L.T.L. (less than truckload) shipments. Since rates are published for other than L.T.L. shipments, it must be concluded that it is practical to ship cottage cheese in larger lots.

It should be further noted, the marketing data included in the record indicate that milk moved to District 1 for Class II use is primarily in the form of condensed skim milk not in the form of cottage cheese. Exceptors cited no figures to show that the differential adopted herein does not properly reflect the cost of moving condensed skim milk from country plants to District 1. It is concluded, therefore, that the exceptions should be overruled.

While Italian type cheeses and evaporated milk in many cases contain Grade A milk, they are not products required under the applicable health regulations to be made from Grade A milk. They are storable, easily transported and compete in the national market with similar products from other sources (both federally regulated and unregulated) where the applicable price approximates the Puget Sound Class III price (the present Class II price).

As stated earlier, Mozzarella cheese processed by regulated handlers in this market is sold throughout the entire coastal region as well as to outlets located in Alaska and Japan. Evaporated milk produced by local plants is regularly disposed of to outlets as far away as the Mexican border.

Mozzarella and other varieties of cheese manufactured at plants located in Wisconsin and elsewhere are obtainable in the Puget Sound market at prices competitive with those of the local manufacturing plants. Unrealistically high prices for Italian type cheeses and evaporated milk would only discourage the use of producer milk in their manufacture, resulting in a loss of important outlets for reserve milk supplies.

The order should continue to include evaporated milk and all cheese except cottage cheese (and specialty cheeses, i.e., baker's, pot, cream, neufchatel) in the lowest surplus classification together with butter, dry milk solids and related products. The three-class system as here adopted provides for classification and pricing of manufactured dairy products similar to that provided under the Inland Empire order market, the nearest federally regulated market to the Puget Sound market.

The changed basis for establishing and classifying skim milk and butterfat used to produce manufactured dairy products requires various changes in the order. These are necessary since a handler must not only account for Class II and Class III products produced in his plant but also must establish his actual disposition and month-end inventory of such products. The necessary changes in this regard are provided in the attached order.

2. *Computation of the location adjustments for excess milk.* Money paid by handlers for Class II milk in excess of the Class III price should be distributed to producers in all districts through the excess milk location adjustment in a manner similar to that now provided for in District 1. The funds made available through the pool would for any month be prorated over all producer excess milk pooled for that month. This will assure that all producers on the market will share uniformly in returns in utilization in the higher valued Class II products.

The amount available should first be applied to excess milk except that the location adjustment rate to apply on excess milk should not exceed a maximum of 25 cents per hundredweight for District 1 and specified lesser amounts in other districts. Any amount in excess of that required to pay the excess location adjustment should be added to the base pool.

3. *Location adjustments.* The order now divides the marketing area and adjacent portions of the milkshed into several districts for the purpose of pricing producer milk in accordance with its location value. Certain of these districts should be redefined as follows: (1) Thurston and Grays Harbor Counties, now in District No. 1, where there are no applicable location adjustments, should be included in the 15-cent and 20-cent per hundredweight location adjustment zones, respectively; and (2) Mason County (not a part of the designated marketing area) now included in the zero location adjustment zone, should be, for location pricing only, included in the 15-cent per hundredweight zone. The present five districts should be regrouped into four districts, numbered from one to four generally in order of distance from and the cost of transporting milk to the market. No change in the boundaries of the defined marketing area, however, is involved in these amendments.

The United Dairymen's Association proposed to include Grays Harbor County with Lewis and Pacific Counties in the 20-cent location adjustment zone; Mason County (not in the defined marketing area) and Thurston County in the 15-cent zone; and the three northern tiers of townships in Snohomish County in a new 10-cent zone. Presently the counties of Grays Harbor, Mason, Thurston, and Snohomish are a part of District 1 where no location adjustments apply.

The most economical means for supplying the Class I needs of the market is for nearby milk to be delivered from farms to bottling plants to the full extent available and for more distant supplies to be delivered only when needed. Seasonal day-to-day reserves can then be diverted economically to manufacturing plants in areas where there are facilities. This optimum arrangement may be more nearly achieved by the redistricting as here adopted.

Producer groups and handlers generally were favorable to the proposed redistricting of Grays Harbor County. Controversy centered chiefly on the change with respect to Thurston County.

Grays Harbor County is located at the base of the Olympic Peninsula of Washington and is presently one of the counties comprising District 1, in which there are no applicable location adjustments on Class I milk. The principal population center in the county consists of the

[1] Tariff rates issued by the Washington State Utilities and Transportation Commission.

neighboring cities of Aberdeen and Hoquiam.

Since the inception of the Puget Sound order in 1951, Grays Harbor County has been included in District 1. At the outset of regulation for this market, a high percentage of Grade A milk produced in the Aberdeen-Hoquiam milkshed (generally Grays Harbor and Mason Counties) was utilized as Class I milk. During 1951, 72 percent of such producer receipts at plants located in Grays Harbor County was disposed of as Class I route disposition. Since this time, however, most local bottling and manufacturing outlets have closed. A case in point is the plant located at Satsop which at one time provided an outlet in Grays Harbor County for the manufacture of reserve milk not required for fluid use. Substantial quantities of the milk produced in this area now move to manufacturing facilities located to the east such as the plant at Chehalis, Wash. (located in the 20-cent location adjustment zone) or to plants located in the Seattle area.

The principal remaining bottling plant operation in the county is located at Hoquiam, Wash. Except for this relatively small plant, the principal suppliers of fluid milk and fluid milk products on routes in the consuming centers of the county are located outside the county. Since 1961, less than 30 percent of the producer milk in the Grays Harbor milkshed has been utilized as Class I milk.

The 20-cent location adjustment as adopted herein for Grays Harbor County is the current hauling rate filed by handlers with the Public Utility Commission in Olympia, Wash.

A witness testifying on behalf of a small association of producers located in the county favored the continuation of the present location zone status of Grays Harbor County but indicated that the application of a 20-cent per hundredweight location adjustment for the county probably would result in no long-term disadvantage to the producers. This association presently ships, on a monthly basis, approximately 385,000 pounds of milk to the Hoquiam bottling plant and approximately 650,000 pounds to outlets located in Seattle. Seattle is the primary market for their producer milk.

The changed marketing situation characterizing Grays Harbor County is similar to that which has occurred in Thurston County, now in the district (District 1) where no location adjustments are applicable. Bottling plants which in the past were located in the county are no longer in operation.

Milk produced in this area has since tended to move to local regulated supply plants for manufacturing into such products as cheese and ice cream. At the present time because of its location in District 1, no location differential applies to this milk. Accordingly, the incentive for the movement of this milk to the principal population center, namely Seattle and Tacoma, for use in the higher valued fluid milk products is lacking in that producers are paid the same uniform prices at these outlying manufacturing facilities as they would receive if their milk were shipped to bottling plants in Seattle or Tacoma.

The present absence of a location adjustment applicable to this county, therefore, tends to hinder the efficient movement of milk to nearby Tacoma and Seattle, where the milk is needed for use in Class I. As a consequence, plants located in the central market have had to draw upon more distant sources in the market to supplement their needs and at an additional cost to producers sharing in the marketwide pool.

Currently, Mason County (although not a part of the marketing area) is included in the defined area in which no location differential applies.

There are presently no known regulated plants in the county to which such provisions are applicable. If, however, a plant located in the county should become regulated, the producer milk should be subject to the same 15-cent per hundredweight location differential as is adopted herein for regulated plants located in Thurston County. The same marketing conditions which warrant the inclusion of Thurston County in the 15-cent per hundredweight adjustment zone apply equally to the marketing situation with respect to Mason County.

In the case of Thurston and Mason counties, no filed hauling rates are indicated on the record. However, the 15-cent per hundredweight rate corresponds closely to filed rates in other parts of the marketing area where conditions and terrain are similar. The rate conforms also to hauling costs experienced by the proponent association in moving milk from this area.

The proposal to redistrict a portion of Snohomish County was not sufficiently supported by evidence in the record to warrant consideration at this time and is, therefore, denied.

The following portions of the marketing area definitions and handler location adjustment provisions of the order reflect the changes adopted by these findings.

Puget Sound, Wash., marketing area. "District 1" shall include that portion of the marketing area in King, Pierce, and Snohomish Counties. "District 2" shall include Thurston, Skagit, and Island Counties. "District 3" shall include that portion of the marketing area in Grays Harbor, Lewis, Pacific, and Whatcom Counties. "District 4" shall include San Juan County.

Location adjustments to the Class I and uniform prices:

Plant location	*Differential cents per cwt.*
District 1 or Kitsap or Pierce Counties	0
District 2 or Mason County	15
District 3 (including the entire counties of Lewis or Pacific) or Kittitas County	20
District 4 and other locations outside the marketing area	40

4. *Reload points.* Present order provisions which provide pool plant status to reload facilities should be eliminated. This change would effect a shift in the point of the pricing of such milk from the location of the reload point to the location of the pool plant.

Currently, the buildings, premises, and facilities of a reload point which meet the approval by an appropriate health authority, constitute a "plant" as defined under the order unless all milk handled through such reload facilities during the month is moved to a single plant in the same district. Reload facilities which have "plant" status likewise have the status of a pool supply plant under the order if such facility is located in the marketing area, or if it is located outside the marketing area and moves specified percentages of its Grade A milk in fluid form to pool distributing plants during the month.

The United Dairymen's Association requested that the reload points be eliminated from the pricing provisions of the order.

The Cow Milkers' Association supported the elimination of reload points for pricing purposes but was opposed to any change which would affect its own status as a handler under the order by virtue of its being an operator of a reload facility, a qualified pool plant under the order. The association representative stated, however, that the maintenance of handler status under the order is a temporary problem inasmuch as they had applied to the Department for recognition as a cooperative under § 1125.5 of the order. Official notice is taken of the fact that this association has now been recognized as a qualified cooperative association under the terms of the order. As such, the association would be a handler with respect to its bulk tank shipments of milk from member farms to pool plants or by diversion of the milk of its member producers from a pool plant to a nonpool plant. With this exception, there was no opposition to the changes in reload pricing as adopted herein.

Appropriate order provisions relating to the handling of milk through reload points must conform to the functions of reload facilities in a particular market. Such functions vary from one market to another. A case in point is that reload points used as a point of transfer for milk moving to the market from distant sources of supply is not characteristic in the Puget Sound market as it is in certain other markets. Further, the functions of reload facilities change over time in a market as evidenced from testimony on the record.

Five reload points were in operation as of January this year, all located in District 1 of the marketing area. Such facilities located at Stanwood and Arlington (Snohomish County) are operated by Carnation Company and the Cow Milkers' Association, respectively. The remaining three facilities are located in Snohomish, Thurston, and Grays Harbor Counties and are operated by affiliates of United Dairymen's Association.

Testimony of representatives of United Dairymen's Association and the Cow Milkers' Association was directed to certain marketing practices relating to the movement of milk through reload points which were disruptive to the orderly marketing of milk in the area. It was the consensus of these witnesses that the

advantages of reload pricing were far outweighed by the uneconomical practices which developed as a consequence.

Milk is being moved from districts in the marketing area where a 15 to 20 cent per hundredweight location differential is applicable to reload facilities in District 1 (area of no location differentials) and then moved back to plants in the originating district for processing into manufactured milk products. The costs of such uneconomical movements of milk are reflected in lower returns to all producers on the market. Pricing milk at the location of the pool plant which processes the milk received through the reload facilities will serve to eliminate such marketing practices.

It is concluded that treatment of a reload point under the order in a manner identical to that of a pool supply plant with respect to pricing, location differentials to handlers and performance requirements for pool status is no longer serving the conditions of orderly marketing in this area and should be discontinued. A reload point used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck should not, therefore, be considered a plant. This would shift the location of pricing on milk moving through reload points from the location of the reload point to the location of the processing pool plant.

Although any reloading operations on the premises of a plant engaging in other milk handling and processing operations should continue to constitute part of the operations of such plant, no reload point should be considered a point of receipt for purposes of pricing. Milk which is reloaded at such a facility even though it is located on the premises of a pool plant shall be priced at the plant at which the milk is actually processed.

Otherwise the reload facilities could be shifted to the premises of plants at which no location differential applies. Thus the purpose of the amendment would be defeated.

Milk transferred at a reload point on the premises of a plant should be considered a receipt at such plant for purposes of classification pursuant to § 1125.41 and for plant qualification pursuant to § 1125.8.

5. *Proration of receipts on split deliveries of bulk tank milk.* Producer milk received at two or more plants from one load shall be priced at the point of actual receipt. Receipts at each plant location shall be prorated among the producers making up the load.

In a corollary proposal to reload pricing, the United Dairymen's Association requested a change in the point of pricing and "accountability" for milk of two or more producers which is commingled into one bulk tank load and subsequently split between two or more plants. In such a situation, they recommended that the receipts of such milk at the several plants be prorated among the producers whose milk makes up the load.

The present marketing practice for fixing the responsibility for purchase, and thus the compliance with order requirements for payment and accurate reporting, rests with the operator of the first plant at which milk is received after it leaves the farm.

The marketing conditions discussed earlier in these findings with respect to changing the pricing of milk moving through reload facilities apply equally to the circumstances relating to the splitting of a bulk tank load of commingled producer milk among several handlers. Under the present terms of the order, a handler may "receive" a token portion of a tank load of milk at a District I plant and cause the remaining portion to be backhauled to plants located in the outlying areas where location adjustments are applicable. Since the entire load is considered to have been received at the first plant, the producers of such milk receive the uniform price f.o.b. the central market even though the milk is actually utilized at a plant where location differentials apply. This actually results in the cost of the extra transportation being borne by all producers on the market.

6. *Provision for "other market" milk.* The recommended decision denied a proposal to define producers for other markets (not Federal order markets) in order that milk which is surplus to another market's requirements might be received for manufacturing use by handlers regulated under the Puget Sound order without such milk becoming pooled. This was denied on the grounds that the proposal was not specifically set forth in the notice of hearing and that the record failed to show the existence of a serious problem with respect to milk from unregulated markets.

A further review of the record in light of exceptions filed and amendments affecting the status of reload points leads to the conclusion that a change in the producer definition is necessary to effectuate other amendments adopted herein. In the past, surplus milk of unregulated plants has been moved to pool plants regularly for manufacture into dairy products. This milk has been assembled at reload points prior to its movement to a pool plant. In the past a reload point has been defined as a plant and such receipts were considered to have been received from a nonpool plant.

With the adoption of the amendments set forth herein, a reload point will cease to be a plant. Milk moving through a reload point will be considered at a plant of receipt as having been received directly from the farm where produced. Thus in the absence of a change in the producer definition, the dairy farmers who are the regular source of supply for unregulated plants would become producers under the order with respect to their surplus production. Thus they would receive for their surplus production the base price computed under the order for new producers and hardship cases. Such a situation would be disruptive of orderly marketing conditions and would jeopardize the operation of the Class I base plan recently incorporated in the order.

To protect the integrity of the order provisions and still permit pool plants to accommodate nearby unregulated plants by handling their surplus production, the producer definition should be amended to specifically exclude dairy farmers whose milk was received at a nonpool plant during the month other than by diversion from a pool plant at the direction of a cooperative association or the operator of a pool plant. This will permit pool plants to continue to receive, for manufacturing, the surplus milk of unregulated plants. At the same time it will prevent the pooling of milk of dairy farmers who are the main source of supply of unregulated plants and whose sole association with the Puget Sound market is through the disposal of their surplus production.

7. *Miscellaneous and conforming changes.* The adoption of various proposals necessitates, of course, certain changes in the specific provisions involved, as well as conforming changes in several other sections of the order. The establishment of a three-class system of pricing milk has also required numerous changes with respect to references to "Class II milk" throughout the order.

Two dairy farmers testified briefly that in certain milk markets of the U.S. powdered whole milk and nonfat dry milk solids are used in combination with nondairy ingredients in the manufacture of products which are competitive with milk sold for fluid bottling use.

Although their testimony suggested a reclassification of nonfat dry milk solids and powdered whole milk to a higher use classification than is now provided under the Puget Sound order (Class II), the relevancy of such a development elsewhere in the country to the current marketing situation in the Puget Sound market was not established. Full consideration of this matter, therefore, should be deferred until such time that a development of this nature may be shown to affect the orderly marketing of milk in the area.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of December 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Puget Sound, Wash., marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 1, 1968.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Puget Sound, Wash., Marketing Area

§ 1125.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (Part 900) of this title, a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Puget Sound, Wash., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on August 7, 1967, and published in the FEDERAL REGISTER on August 10, 1967 (32 F.R. 11567; F.R. Doc. 67-9373), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

Changes are made in §§ 1125.7(a), 1125.11, 1125.22(k)(1), 1125.35(a)(7), 1125.41(b)(2), 1125.41(c)(1), and the introductory text of 1125.46(a).

§ 1125.6 [Amended]

1. In § 1125.6, the last paragraph is revised to read: " 'District 1' shall include that portion of the marketing area in King, Pierce, and Snohomish Counties. 'District 2' shall include Thurston, Skagit, and Island Counties. 'District 3' shall include that portion of the marketing area in Grays Harbor, Lewis, Pacific, and Whatcom Counties. 'District 4' shall include San Juan County."

2. Section 1125.7 is revised to read as follows:

§ 1125.7 Plant.

"Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk and milk products. The term "plant" does not include:

(a) "Bulk reload points" which comprise the buildings, premises and facilities, including facilities for washing tanks, used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck. Any reload point approved for such use by an appropriate health authority and located on the premises of a plant engaging in other operations shall constitute a part of the operations of such plant. However, milk which is reloaded at such a facility in transit to another plant at which it is processed, shall, for purposes of pricing only, be considered a receipt at the plant at which it is processed.

(b) "Distribution points" which comprise the buildings, premises and storage facilities at which are stored, enroute in the course of disposition, fluid milk products that have been processed and packaged in consumer-type packages at a distributing plant. The following shall apply with respect to the operations of a distribution point:

(1) Operations of such a distribution point located on the premises of a nonpool plant or a supply plant shall not constitute a part of the operations of such plant; and

(2) Fluid milk products moved through a distribution point shall be classified on the basis of disposition from the distributing plant at which processed and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

packaged, unless the following conditions are met, in which case such products may be classified on the basis of disposition from such distribution point:

(i) Such distribution point is located west of the Cascade Mountain Range;

(ii) Fluid milk products are not received during the month at such distribution point from more than one plant; and

(iii) The handler operating such distributing plant notifies the market administrator of his intent to report regularly on the basis of disposition from such distribution point.

§ 1125.8 [Amended]

3. In the first sentence of § 1125.8(b) (pool plant definition) the parenthetical phrase "(including any reload point constituting a plant)" is revoked.

3a. In § 1125.11, a new paragraph (e) is added to read as follows:

§ 1125.11 Producer.

* * * * *

(e) Whose milk during the month was not received at a nonpool plant except by diversion from a pool plant pursuant to § 1125.12.

§ 1125.12 [Amended]

4. In § 1125.12, the word "and" is deleted where it appears at the end of paragraph (b)(2)(ii); at the end of paragraph (c) the period is changed to a semi colon and the word "and" is added; and a new paragraph (d) is added to read as follows:

(d) In the case of any bulk tank load of milk originating at farms and subsequently received in part at two or more plants, the proportion of the load received at each such plant shall be prorated among the individual producers on the basis of their percentage of the total load.

§ 1125.22 [Amended]

5. Section 1125.22 is amended as follows: The parenthetical phrases "(and within Class II, the utilization specified in § 1125.54(c))" and "(and within Class II, to the utilization specified in § 1125.54(c))" where they appear in paragraph (i) are revoked; and paragraph (k) is revised to read as follows:

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 1125.51(a) and the Class I butterfat differential pursuant to § 1125.52(a), both for the current month, and the minimum price for Class II milk pursuant to § 1125.51(b) and Class III milk pursuant to § 1125.51(c) and the Class II and Class III butterfat differentials pursuant to § 1125.52(b), all for the preceding month; and

(2) On or before the 13th day of each month, the weighted average and uniform prices computed pursuant to §§ 1125.71 and 1125.72, the location adjustments for excess milk computed pursuant to § 1125.81(a)(2), and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month;

5a. In § 1125.35, paragraph (a)(7) is revised to read as follows:

§ 1125.35 Handler report to producers.

(a) * * *

(7) The Class I, Class II and Class III prices for 3.5 percent milk, and the marketwide percentage of producer milk utilized in each class during the month.

* * * * *

6. Section 1125.41 is revised to read as follows:

§ 1125.41 Classes of utilization.

Subject to the conditions set forth in §§ 1125.42, 1125.43 and 1125.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be Class I in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content;

(ii) Fluid milk products in concentrated form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of; and

(iii) Products classified as Class II pursuant to paragraph (b)(3), and as Class III pursuant to paragraph (c)(3) and (4), of this section are excepted;

(2) Contained in monthly inventory variation of fluid milk products; and

(3) Not specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, starter or any milk or milk products sterilized and packaged in hermetically sealed metal or glass containers;

(2) Used to produce condensed milk and condensed skim milk utilized for any purposes other than those specified in paragraph (c)(1) of this section; and

(3) In fluid milk products disposed of in bulk to a commercial food processing establishment for use in food products which are processed for general distribution to the public for consumption off the premises.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce evaporated milk sterilized in sealed metal containers (whether produced from whole milk, skim milk or partially skimmed milk), condensed milk and condensed skim milk used to produce another Class III product in a pool plant or in a nonpool plant located within the marketing area or used to fortify Class I products in a pool plant, butter, nonfat dry milk solids, powdered whole milk, casein, and cheese (other than that specified in paragraph (b)(1) of this section), including that contained in residual products resulting from the manufacture of butter and cheese;

(2) Used to produce a product other than a fluid milk product as specified in paragraph (a)(1) of this section or a Class II product;

(3) In fluid milk products disposed of for livestock feed;

(4) In fluid milk products dumped after such prior notice and opportunity for verification as may be required by the market administrator;

(5) In shrinkage at each pool plant as computed pursuant to § 1125.42(b)(1) but not to exceed the following amount:

(i) Two percent of receipts in producer milk pursuant to § 1125.12(a)(1) and (2); plus

(ii) One and one-half percent of receipts of fluid milk products in bulk from other pool plants; plus

(iii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.10(f), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(vi) One and one-half percent of fluid milk products disposed of in bulk to other plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted purchases such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent;

(6) In shrinkage at each pool plant as computed pursuant to § 1125.42(b)(2); and

(7) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1125.10 (e) or (f) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and individual producer tests are used as the basis of receipt at the plant to which delivered.

§ 1125.42 [Amended]

7. In paragraph (b)(1) of § 1125.42 the reference "§ 1125.41(b)(6)" is changed to "§ 1125.41(c)(5)"; and in paragraph (b)(2) of such section the reference "§ 1125.41(b)(6)(iv) and (v)" is changed to "§ 1125.41(c)(5)(iv) and (v)".

8. In § 1125.43, paragraph (a) is revised to read as follows:

§ 1125.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

* * * * *

9. Section 1125.44 is revised to read as follows:

§ 1125.44 Interplant movements.

Skim milk and butterfat moved by transfer, and by diversion under paragraph (c) of this section, as fluid milk products from a pool plant shall be assigned (separately) to each class in the following manner:

(a) To a pool distributing plant: As Class I milk to the extent Class I milk is available at the transferee plant after computations pursuant to § 1125.46(a) (7) and the corresponding step of § 1125.46(b), subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other pool plants at the transferor plant, such excess shall be assigned to the available milk in each class at the transferee plant in series beginning with Class III;

(2) If more than one transferor plant is involved, the available Class I milk shall first be assigned to pool plants located in District 1, and the counties of Pierce and Kitsap, and then in sequence to the plants at which the least location adjustment applies;

(3) If Class I milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph to plants having the same location adjustments, the transferee handler may designate to which of such plants the available Class I milk shall be assigned;

(4) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products required by applicable health authority regulations to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

(5) If the transferor plant received during the month other source milk to be allocated pursuant to § 1125.46(a) (6) and (7) and the corresponding steps of § 1125.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant.

(b) To a pool supply plant as Class III milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class III milk shall be limited to the amount thereof remaining in Class III milk in the transferee plant after computations pursuant to § 1125.46(a) (7) and the corresponding step of § 1125.46(b) for such plant, and any additional amounts of such skim milk or butterfat shall be assigned to Class II milk to the extent such utilization is available. Any additional amounts of such skim milk and butterfat shall be assigned to Class I milk and credited to transfers from transferor plants in the sequence at which the least location adjustment applies;

(2) If more than one transferor plant is involved, the available Class III and/or Class II milk shall first be assigned to transferor plants located outside District 1 and Kitsap and Pierce counties, and then in sequence to the plants at which the greatest location adjustment applies;

(3) If Class III and/or Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph to plants having the same location adjustments, the transferee handler may designate to which of such plants the available Class III and/or Class II shall be assigned; and

(c) To a nonpool plant:

(1) Except as provided for in subparagraphs (3) and (4) of this paragraph, as Class I milk, if transferred or diverted to a nonpool plant located outside the marketing area.

(2) As Class I milk, if transferred or diverted to a producer-handler as defined in any order (including this part) issued pursuant to the Act, or to the plant of such a producer-handler;

(3) As Class II milk to the extent such utilization is available and then to Class III milk, if transferred or diverted to a nonpool plant from which fluid milk products are not distributed on routes, subject to the following conditions:

(i) The transfer or diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the nonpool plant for purposes of verification;

(ii) If such nonpool plant disposes of fluid milk products to any other nonpool plant distributing fluid milk products on routes, the transfer or diversion shall be classified as Class I milk up to the quantity of such disposition to the second nonpool plant; and

(4) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subdivision (i), (ii), or (iii) of this subparagraph:

(i) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(ii) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order that provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under the order that provides only two classes (including allocation under the conditions set forth in subdivision (iii) of this subparagraph);

(iii) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class III and then as Class II to the extent of such class utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(iv) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this subparagraph, classification shall be as Class I, subject to adjustment when such information is available; and

(v) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1125.41.

§ 1125.45 [Amended]

10. In § 1125.45, the reference "§§ 1125.53 and 1125.54" where it appears in the second sentence of paragraph (a), is changed to "§ 1125.53".

§ 1125.46 [Amended]

11. In § 1125.46, the term "Class II" where it appears in two places in paragraph (a)(1), once in (a)(2)(i), twice in (a)(3), once in (a)(5), and in (a)(9) is changed to "Class III". Also, the introductory text of paragraph (a) immediately preceding subparagraph (1) is revised to read: Skim milk shall be allocated in the following manner, except that the quantities allocated to Class II milk and Class III milk shall be subtracted in series beginning with Class III.

12. In § 1125.46 the reference "§ 1125.41(b)(6)" as it appears in paragraph (a)(1) is changed to "§ 1125.41(c)(5)"; the text of subparagraph (4) immediately preceding subdivision (i) of such paragraph is changed to read "Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Class II and Class III but not in excess of such quantity:"; the phrase "Class II utilization" where it appears in both subdivisions (i) and (iii) of subparagraph (4), is changed to "Class II or Class III utilization"; and the text of subdivision (i) of subparagraph (7) is changed to read "In series beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1125.22(m) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and".

13. Section 1125.51 is revised to read as follows:

§ 1125.51 Class prices.

Subject to the provisions of §§ 1125.52 and 1125.53, the minimum class prices per

hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus $1.65, and plus 20 cents through April 1968.

(b) *Class II milk.* The price for Class II milk shall be the Class III price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) *Class III milk.* The price for Class III milk shall be the basic formula price for the month but not to exceed the price computed as follows:

(1) Multiply the Chicago butter price by 4.2;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

14. Section 1125.52 is revised to read as follows:

§ 1125.52 Butterfat differentials to handlers.

If the average butterfat content of Class I milk, Class II milk or Class III milk computed pursuant to § 1125.46, differs from 3.5 percent, there shall be added to, or subtracted from, the applicable class price (§ 1125.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 3.5 percent, a butterfat differential computed as follows, rounded to the nearest one-tenth cent:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.125; and

(b) *Class II milk and Class III milk.* Multiply the Chicago butter price for the current month by 0.120.

§ 1125.54 [Revoked]

15. Section 1125.54 is revoked, and § 1125.53 is revised to read as follows:

§ 1125.53 Location adjustments on Class I and Class II milk.

The price of Class I and Class II milk at each plant shall be, regardless of point of disposition within or outside the marketing area, that computed pursuant to § 1125.51 less a location adjustment for such plant shown in the table below:

Plant location	Adjustment (cents/cwt)	
	Class I	Class II
District 1 or Kitsap or Pierce Counties	0	0
District 2 or Mason County	15	7.5
District 3 (including the entire counties of Lewis and Pacific) or Kittitas County	20	10.0
District 4 and other locations outside the marketing area	40	20.0

§ 1125.67 [Amended]

16. In § 1125.67, the term "Class II milk" where it appears in subparagraph (1)(i) of paragraph (a) is changed to "Class II or Class III milk"; the term "Class II price" where it appears in paragraph (b)(4) is changed to "Class III price".

§ 1125.70 [Amended]

17. In § 1125.70, the reference "§§ 1125.52, 1125.53 and 1125.54" where it appears in paragraph (a) is changed to "§§ 1125.52 and 1125.53" and the words "Class II price" where they appear in paragraph (d) are changed to "Class III price".

§ 1125.72 [Amended]

18. In § 1125.72(a)(2), the words "Class II price" are changed to read "Class III price".

§ 1125.80 [Amended]

19. In § 1125.80, the reference "§§ 1125.53 and 1125.54" where it appears in paragraph (c) is changed to "§ 1125.53".

20. Section 1125.81 is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1125.80(a), subject to the application of § 1125.12(c), the following adjustments for location are applicable:

(1) Deduction may be made per hundredweight of base milk received from producers at respective plant locations at the same per hundredweight rates as specified for Class I milk in the table set forth in § 1125.53; and

(2) There shall be added to the uniform price for excess milk received from producers at the respective plant locations the lesser of the applicable rates shown in subdivision (i) or (ii) of this subparagraph:

(i) Plant location:

	Rate (cents/cwt.)
District 1 or Kitsap or Pierce Counties	25
District 2 or Mason County	10
District 3 (including the entire counties of Lewis and Pacific) or Kittitas County	5
District 4 and other locations outside the marketing area	0

(ii) The rates per hundredweight determined by multiplying the adjustments shown in subdivision (i) of this subparagraph by a percentage computed as set forth below and rounded to the nearest full cent: Determine the amount that the value of producer milk allocated to Class II pursuant to § 1125.46 at the Class II price adjusted for location of the respective pool plants exceeds the value of producer milk so allocated to Class II at the Class III price. The resulting amount is divided by the value of excess location adjustments at the applicable rates set forth in subdivision (i) of this subparagraph and rounded to the second decimal place.

(b) In making payments to a cooperative association pursuant to § 1125.80(d) deductions may be made at the rates specified in § 1125.53 for the location of the plant at which the milk was received from the cooperative association.

(c) For purposes of computations pursuant to §§ 1125.84 and 1125.85 the weighted average price for all milk shall be adjusted at the rates set forth in § 1125.53 for Class I milk applicable at the location of the nonpool plant from which the milk was received.

§ 1125.82 [Amended]

21. In § 1125.82 the words "and Class III" are added immediately following the words "Class II".

§ 1125.84 [Amended]

22. In § 1125.84, the words "Class II price" where they appear in paragraph (a)(3) are changed to "Class III price".

[F.R. Doc. 68-2784; Filed, Mar. 5, 1968; 8:50 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 155]

CITY DELIVERY

Apartment House Receptacles

Notice is hereby given of proposed rule making consisting of revisions to § 155.6 of Title 39, Code of Federal Regulations. The proposed revisions are as follows:

1. Addition to paragraph (a) of § 155.6 would prescribe conditions under which delivery employees can provide service where apartment buildings are equipped with locked street entrance doors.

2. Addition to paragraph (a) of § 155.6 would furnish information to firms interested in the manufacture of apartment mail receptacles.

3. Revision to paragraph (b)(3) to require, effective July 1, 1968, five-pin tumbler cylinder locks on all newly installed or replaced individual box doors.

4. Addition to paragraph to require a flanged edge of at least one-fourth inch on the side of vertical-type doors; if extruded aluminum, equivalent to a section modulus of a ¼-inch bar.

5. Revision to paragraph (b)(4) to require that master doors stay in the open position while a carrier is depositing mail.

6. Revision to paragraph (b)(5) to prohibit slots, glass or plastic inserts, and all decorative openings in doors.

7. Revision to subparagraph (1)(iii)(b) in paragraph (c) to limit to 10 the number of vertical-type boxes which may be installed under one arrow lock.

Although the procedures in 39 CFR Part 155 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirement of the Administrative Procedure Act (5 U.S.C. 553) in order that patrons of the Postal Service may have an opportunity to submit written data, views, and arguments concerning the proposed revisions. Such written comments may be submitted to the Director, Distribution and Delivery Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th

day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, paragraphs (a), (b), (c) (1) (iii) (*b*) of § 155.6 will read as follows if these proposed revisions are adopted:

§ 155.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles*—(1) The delivery of mail to individual boxes in apartment houses, family hotels, residential flats, and business flats in residential areas, containing three or more apartments having a common street entrance or common street number, shall be contingent on the installation and maintenance of U.S. Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation is paid for by the owner of the building.

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with obsolete apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles, with full-length doors on vertical-type installations, and a capacity as specified in paragraph (b) (2) of this section.

(3) Where apartment buildings are equipped with self-closing, automatically locking street entrance doors, access for delivery employees must be provided by an attendant, an electro-mechanical door lock system, or a key retaining box within convenient reach of the door. Both devices must incorporate an Arrow lock; to activate the electro-mechanical door lock, or for safekeeping of the building entrance door key.

(4) When new apartments are being erected or existing ones are remodeled, postmasters will inform builders and owners of the requirements of these regulations and will provide for a suitable inspection to see that approved receptacles of safe and durable construction are installed in conformity with these regulations.

(5) Individuals or firms interested in the manufacture of apartment house mailboxes must submit to the Bureau of Operations for approval the following:

(i) Vertical Style—a three-gang unit complete with individual door locks and provision for an Arrow lock in the master door.

(ii) Horizontal Style—a four-gang unit (two over two) with locks as above. If rear-loaded, a door or screen on back of boxes is not necessary.

(b) *Specifications for construction of receptacles*—(1) *Materials.* The receptacles, including master doors and frames, and individual box doors, shall be manufactured of material of such strength and thickness as to provide reasonable safety to the mail deposited.

(2) *Capacity.* Both horizontal- and vertical-type receptacles must be of sufficient capacity to receive long letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14½ inches in length and 3½ inches in diameter, if rolled, may be deposited and removed with ease.

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a full-length door through which the mail may be removed by the tenant. Effective July 1, 1968 the doors of the several receptacles shall be secured by five-pin tumbler cylinder locks with a minimum of 250 key changes to prevent the opening of receptacles by the use of a key to any other receptacle in the same house or in the immediate locality. The locks must be securely fastened to the door. Each lock should be clearly numbered on the back so that if a key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(ii) Individual box doors on the three edges opposite the hinge side must have a flanged edge of at least ¼" on the side, slightly less on top and bottom to provide for a rounded corner and eliminate sharp edges. Extruded aluminum doors must provide strength and stiffness on the edge opposite the hinge side equivalent to a section modulus of a ¼-inch bar.

(iii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks as this would make it possible for unauthorized persons to get keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock has been changed, when it may be destroyed. The record of combinations to the keyless locks must be kept until the combination is changed, when it may be destroyed.

(iv) The dimensions of the clear opening of the door frame of each horizontal type receptacle must be identical to the cross-sectional measurements of the receptacle itself.

(4) *Master doors and locks.* (i) Each group of front-loading receptacles must be equipped with a master door which, when open, makes the entire group of boxes accessible for the deposit of mail by the carrier. The master door must remain in the open position while the carrier is depositing mail. The master door shall be machined to accommodate an inside Arrow lock furnished by the local postmaster for use so long as mail is delivered by letter carriers, and the key shall be in the custody of postal employees. Master doors for horizontal-type receptacles shall be hinged on the side only and shall be no wider than 30 inches.

(ii) The master lock will be attached to the group of receptacles by the postmaster's representative who will see that it is securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box. A metal plate is not required between the Arrow lock and door of a horizontal-type installation with wood master doors.

(5) *Openings and glass front in doors.* Effective July 1, 1968, slots, glass or plastic inserts, and all decorative openings in individual doors are prohibited.

(6) *Backs of front-loading receptacles.* These units must have solid backs.

(7) *Numbers and name cards.* (i) Vertical-type receptacles must be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right; horizontal-type receptacles must be numbered or lettered in sequence from top to bottom, so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. Preferably, this holder or clasp should be on the frame above each receptacle, but it may be located inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder must be large enough to take a name card at least ¾ x 2½ inches in vertical-type installations; and in horizontal-type installations, as large as space permits. In the latter case pressure sensitive labels may be used.

(c) *Installation*—(1) *Location and arrangement.*

* * * * *

(iii) In vertical-type installations:

* * * * *

(*b*) No more than two tiers may be installed. The maximum number of boxes which may be installed under one Arrow lock is 10 (effective July 1, 1968); the minimum number is three.

* * * * *

NOTE: The corresponding Postal Manual sections are 155.61, 155.62, and 155.631a(2) respectively.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

FEBRUARY 29, 1968.

[F.R. Doc. 68-2731; Filed, Mar. 5, 1968; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-SO-9]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Montgomery, Ala., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Montgomery control zone described in § 71.171 (33 F.R. 2058) would be amended by deleting "* * * within 2 miles each side of the Montgomery VOR TAC 321° radial, extending from the Dannelly Field 5-mile radius zone to 6 miles northwest of Dannelly Field; * * *" and substituting "* * * within 2 miles each side of the Montgomery VORTAC 311° radial, extending from the Dannelly Field 5-mile radius zone to 14.5 miles northwest of the VORTAC; * * *" therefor.

The control zone extension predicated on the Montgomery VORTAC 321° radial will no longer be required as the present TACAN instrument approach procedure to Dannelly Field is to be cancelled concurrent with the effective date of the proposed new TACAN procedure.

The proposed additional extension predicated on the Montgomery VORTAC 311° radial is required to provide controlled airspace protection for aircraft executing the proposed new TACAN instrument approach procedure to Dannelly Field.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on February 26, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68-2742; Filed, Mar. 5, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Cape Girardeau, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Cape Girardeau, Mo., Municipal Airport utilizing an FAA VOR as a navigational aid. Also, the VOR instrument approach procedure for Runway No. 20 at this airport has been altered. The present controlled airspace designations in the Cape Girardeau terminal area will not adequately protect these new and altered procedures. In addition, the criteria for designation of transition areas was changed subsequent to the designation of the Cape Girardeau 700-foot floor transition area, which presently has a 6-mile radius. The changed criteria requires an 8-mile radius.

Therefore, it is necessary to alter the Cape Girardeau control zone and 700-foot floor transition area to protect aircraft executing the new and altered approach procedures and to increase the radius of the 700-foot floor transition area to 8 miles. The present 1,200-foot floor transition area at Cape Girardeau will not be changed as a result of this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

CAPE GIRARDEAU, MO.

Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 2 miles each side of the Cape Girardeau VOR 036° radial extending from the 5-mile radius zone to 10½ miles northeast of the VOR; within 2 miles each side of the Cape Girardeau VOR 196° radial extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Cape Girardeau VOR 279° radial, extending from the 5-mile radius zone to 8 miles west of the VOR.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

CAPE GIRARDEAU, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.); within 5 miles east and 8 miles west of the Cape Girardeau VOR 196° radial, extending from the 8-mile radius area to 12 miles south of the VOR; and within 5 miles north and 8 miles south of the Cape Girardeau VOR 279° radial, extending from the 8-mile radius area to 12 miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Cape Girardeau VOR 036° radial, extending from the VOR to 14 miles northeast of the VOR.

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

Issued at Kansas City, Mo., on February 15, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-2743; Filed, Mar. 5, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-SO-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Gainesville, Fla., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in

the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

Since the last alteration of controlled airspace at Gainesville, the airport coordinate has been refined, the name has been changed to Gainesville Municipal, turbojet aircraft have started using the airport, and radar air traffic control procedures are being employed to a greater degree. Additionally, a Part 95 direct route between Gainesville and Roy Intersection has been established, the Special NDB Procedure No. 1 predicated on WGGG Commercial Broadcast Station is being canceled, the AL–973–VOR–1 procedure is being revised, and the VOR facility has been converted to a VORTAC.

In consideration of the foregoing, amendments to the terminal controlled airspace are proposed as follows:

The Gainesville control zone described in § 71.171 (33 F.R. 2058) would be altered by deleting "* * * Gainesville Airport (lat. 29°41'20" N., long. 82°16'30" W.) and VOR * * *" wherever they appear, and substituting "* * * Gainesville Municipal Airport (lat. 29°41'22" N., long. 86°16'28" W.) and VORTAC * * *" respectively.

The amendment to the control zone is editorial in nature.

The Gainesville transition area described in § 71.181 (33 F.R. 2137) would be altered to read:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.); excluding that airspace within a 1-mile radius of Stengel Field Airport; that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Gainesville Municipal Airport, east and northeast of V–159, and within 5 miles each side of the Gainesville VORTAC 092° radial, extending from the 18-mile radius area to 28 miles east of the VORTAC, excluding the portion which coincides with the Jacksonville, Fla., 1,200-foot transition area.

The proposed amendment to the transition area will provide controlled airspace protection for IFR aircraft during descent from 1,500 to 1,000 feet above the surface, during climb from 700 to 1,200 feet above the surface and to the base of overlying controlled airspace. The extension to the 1,200-foot transition area along the Gainesville VORTAC 092° radial is required for aircraft climbing to the base of overlying controlled airspace with a floor of 3,500 feet MSL. The 18-mile radius area will provide controlled airspace protection for the revised VOR procedure, transition procedures, and radar vectoring procedures employed in the Gainesville terminal area.

Additionally, the editorial change proposed in the control zone description has been incorporated in the proposed transition area description.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on February 26, 1968.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 68–2744; Filed, Mar. 5, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–CE–13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dodge City, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

The public use instrument approach procedure for the Dodge City, Kansas Municipal Airport has been modified by adding a DME arc. The present transition area designation at Dodge City will not adequately protect this altered procedure. In addition, the criteria for designation of transition areas was changed subsequent to the designation of the Dodge City 700-foot floor transition area, which presently has a 6-mile radius. The changed criteria requires an 8-mile radius. Therefore, it is necessary to alter the Dodge City transition area to protect aircraft executing the altered approach procedure and to increase the radius of the 700-foot floor transition area to 8 miles.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

DODGE CITY, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dodge City Municipal Airport (latitude 37°45'45" N., longitude 99°58'00" W.); and that airspace extending upward from 1,200 feet above the surface within the arc of a 13-mile radius circle centered on the Dodge City VORTAC, extending from the south edge of V–10 west of Dodge City clockwise to the south edge of V–10 of Dodge City.

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

Issued at Kansas City, Mo., on February 16, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68–2745; Filed, Mar. 5, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18051; FCC 68–231]

FM BROADCAST STATIONS

Table of Assignments, Hollister, Calif., et al.

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations. (Hollister, Calif., Dexter, Mo., Liberty, Ky., Rockford, Mendota, and Peru, Ill., Livingston, Tex., La Crosse, Wis., Wichita, Great Bend, El Dorado, and Hutchinson, Kans., Marion, Ill., and Vero Beach, Fla.), Docket No. 18051, RM–1235, RM–1239, RM–1248, RM–1220, RM–1238, RM–1244, RM–1245.

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

2. *RM–1235. Hollister, Calif.* (Milo Communications Corp.); *RM–1239. Dexter, Mo.* (Dexter Broadcasting Co.); *RM–1248. Liberty, Ky.* (Patrick Henry Broadcasting Co., Inc.).

In these three cases, interested parties seek the assignment of a first Class A channel in a community, without requiring any other changes in the table. The communities range in size from 1,578 to 6,071 and appear to warrant the proposed assignments. Comments are therefore invited on the following additions to the FM Table:

City	Channel No.
Hollister, Calif.	228A
Liberty, Ky.	[1] 288A
Dexter, Mo.	272A

[1] This assignment will require a site about 4 miles north of Liberty in order to meet the required minimum spacings to WSAC–FM at Fort Knox, Ky., and WBNT–FM at Oneida, Tenn., both on Channel 288A.

3. *RM–1220. Rockford, Mendota, and Peru, Ill.* In a petition for rule making filed on November 16, 1967, by Greater Rockford Sound, Inc., applicant for a new FM station at Rockford, Ill., requesting the addition of a third FM assignment to Rockford by making two other necessary changes in the table as follows:

City	Channel No.	
	Present	Proposed
All in Illinois:		
Rockford	248, 285A	248, 265A, 285A
Mendota	265A	261A
Peru	261A	[1] 265A

[1] Petitioner points out that other channels are available for Peru in the event the Commission believes that a wider choice of transmitter locations should be made available on Channel 265A in both Peru and Rockford.

Rockford has a population of 126,706 and its Standard Metropolitan Statistical Area (Winnebago County) has a population of 209,765. A station is in operation on Channel 248 and the city also has three AM stations, two of which are daytime-only operations. There are presently three applications on file for the second FM assignment, Channel 285A, including one by the petitioner, and these have been designated for a comparative hearing in Docket Nos. 17591–17593.[2] Station WGLC–FM operates on Channel 265A in Mendota but no application has as yet been filed for Channel 261A at Peru.

4. Petitioner states that the facts elicited in a previous rule making proceeding to assign the second FM channel to Rockford (Docket No. 16762, first report and order issued on Oct. 7, 1966, 5 FCC 2d 188) establish the need and merit for a third FM assignment to the city. The criterion used for a city of this size in setting up the table, four to six assignments, is cited as evidence of this. Petitioner also submits that this assignment would not preclude assignments on any of the six adjacent channels due to existing stations in the general area. Channel 265A itself, if not assigned to Rockford, could be used in one of a few other places in the area; of these, Freeport (population 26,628) and Loves Park (population 9,086) have FM assignments (Class B and Class A respectively) and the others are all of less than 2,000 persons (one of these, Winnebago, has an FM station). Since the proposal would require the existing station at Mendota to shift channels, it is also requested that the licensee of WGLC–FM be ordered to show cause why its license should not be modified to specify Channel 261A instead of 265A.

5. Jel-Co Radio, Inc., licensee of Station WGLC–FM, Channel 265A, Mendota, Ill., opposes the substitution of Channel 261A for 265A at Mendota on several grounds. First it urges that there has been no compelling showing of need for the additional assignment in Rockford to warrant the change in assignment for WGLC–FM. Second it asserts that there would be a direct monetary cost to WGLC–FM and other costs involved in the disruption to its operations. Third, it contends that Rockford, with its two assigned FM channels and a third FM station in operation at Loves Park (adjacent to Rockford and within its SMSA and Urbanized area), has no need for an additional assignment. And finally, it submits that proponent has not shown that there is no preferable means of accomplishing the proposed result with lesser cost to the public interest. Jel-Co also urges the Commission to await the establishment of the Rockford FM station on the newly assigned channel, 285A, in order to determine whether there is a need for another FM facility in that city. While no specific figure is given for the estimated cost of the proposed shift in frequency, Jel-Co mentions "the cost of several thousands of dollars required to shift WGLC–FM to a new frequency". In this connection it is asserted that at present WGLC–FM has a distinct advantage in the compatibility of the frequencies for the AM and FM stations, 1090 kc/s for WGLC and 100.9 Mc/s for WGLC–FM. With respect to the preclusion showing made by petitioner, Jel-Co states that it is admitted that Channel 265A would be precluded from assignment to other communities which have no FM assignments or other larger ones which have a single FM channel.

6. We are of the view that the subject proposal merits the institution of rule making in order that all interested parties may submit their views and relevant data. However, in view of the number of assignments to the Rockford SMSA (five AM and five FM), we invite further comments on the need for the additional assignment to Rockford. We also invite comments on the willingness of petitioner to defray the reasonable costs of the channel change for WGLC–FM. The matter of payment of such costs by petitioner or any successful applicant for the proposed assignment has been a factor in previous cases of this sort. With respect to the WGLC–FM authorization, appropriate action will be taken in the event it is found that the proposal would serve the public interest.

7. *RM–1238. Livingston, Tex.* On January 8, 1968, Harold J. Haley, licensee of Station KETX(AM), Livingston, Tex., filed a petition requesting rule making to assign Channel 221A as a first FM assignment to Livingston, Tex.[3]

8. This request was previously denied in a memorandum opinion and order issued on November 18, 1966, RM–1027, FCC 66–1034, on the grounds that the assignment would be about 2 miles short-spaced and because of the possible impact on the availability of educational FM assignments on the top three educational FM channels (218, 219, and 220) in the general area. Haley now submits that sites are available from which all the required spacings can be met and specifies a particular site which he states is available to him. Livingston is a community of 3,398 persons and is located about 68 miles north-northeast of Houston. Its county has a population of 13,861. Haley urges that the area does not have any primary nighttime radio service since its only radio station is KETX, a daytime-only station licensed to petitioner. He asserts that the 82,250 acre Lake Livingston area project is due for completion this year and that it will result in a large influx of new residents and visitors.

9. We are of the view that rule making in this case is warranted and invite comment on the petitioner's proposal to assign Channel 221A to Livingston. However, any decision we may make in this regard will depend on the showing made that the assignment will not preclude needed educational assignments on the top three educational FM channels in the general area around Livingston.

10. *RM–1244. La Crosse, Wis.* In a petition filed on January 18, 1968, Lee and Associates, Inc., licensee of Station WKTY(AM), La Crosse, Wis., requests the addition of Channel 240A to La Crosse, Wis., as follows:

City	Channel No.	
	Present	Proposed
La Crosse, Wis.	227	227, 240A

La Crosse, the county seat and largest community in the county, has a population of 47,575. La Crosse County has a population of 72,465. Channel 227 is in operation in La Crosse as are three AM stations, one of which is a Class IV and the other two unlimited-time stations.

11. Petitioner submits that La Crosse County has the greatest population concentration of all the surrounding counties in the area. It asserts that, while the city

[2] The petitioner here has requested dismissal of its application (Docket 17592) and approval of an agreement for reimbursement of expenditures. These requests were denied by the Review Board on Jan. 3, 1968. In a subsequent initial decision this application was dismissed for failure to prosecute.

[3] The request was filed in the form of a petition for reconsideration of a previous denial of the same request issued in 1966. Since the time for filing a petition for reconsideration has long since expired, we are considering the request as a new petition for rule making herein.

has adequate AM facilities and will soon have adequate TV facilities, it is limited to but one FM assignment, and urges that the city merits a second FM assignment to aid the area in providing another means of dissemination of information concerning emergencies, weather conditions, and agricultural news. With respect to the areas in which Channel 240A and the six adjacent channels will be precluded, petitioner shows that there would be no such areas precluded except for a small one on Channel 239 and a larger one on Channel 240A. It does not appear that any communities of over 4,000 population are located in the areas and which do not have an FM assignment.

12. In view of the showing made as requested in the policy statement of May 12, 1967, policy to govern requests for additional FM assignments, we are inviting comments on the petitioner's proposal as outlined above. We also invite comments on the proposed mixture of a Class A and C assignment in the same community, a result we have attempted to avoid insofar as possible.

13. *RM–1245. Witchita, Great Bend, El Dorado, and Hutchinson, Kans.* On January 18, 1968, JACO, Inc., prospective applicant for a new FM station at Wichita, Kans., filed a petition requesting the substitution of Channel 236 for 275 at Wichita by making three other necessary changes as follows:

City	Delete	Add
All in Kansas:		
Wichita	275	236
Great Bend	235	282
El Dorado	237A	257A
Hutchinson	256	275

None of the channels proposed to be shifted are occupied or applied for. JACO submits that Channel 275 presently available at Wichita has a severe limitation on the area in which a site may be selected in view of the need to provide a separation of 30 miles to Channel 222 at Newton (IF Difference) and 150 miles to Channel 274 at Oklahoma City. These limitations would require that a station would have to be about 25 miles out of the city of Wichita whereas, petitioner claims that ideal sites for which aeronautical approval can be obtained are located in an area precluded at present for Channel 275. Finally, JACO points out that its proposal would also remove a small restriction in site location for Channel 256 at Hutchinson as well.

14. We are of the view that the proposal merits rule making and invite comments on the changes proposed by the petitioner as outlined above.

15. *Marion, Ill., and Vero Beach, Fla.* In addition to the changes proposed by interested parties the Commission wishes to make a change on its own motion in Marion, Ill., and in Vero Beach, Fla. Channel 232A was inadvertently assigned to Marion short-spaced to the adjacent Channel 231 at Mount Vernon, Ill. Likewise, Channel 292A at Vero Beach is short to Channel 238 at Fort Pierce (IF Difference). It is proposed to substitute Channel 296A for 232A at Marion and 228A for 292A at Vero Beach, Fla., as follows:

City	Channel No.	
	Present	Proposed
Marion, Ill.	232A	296A
Vero Beach, Fla.	292A	228A

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

17. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before March 29, 1968, and reply comments on or before April 12, 1968. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

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

Adopted: February 28, 1968.

Released: March 1, 1968.

FEDERAL COMMUNICATIONS COMMISSION [4]

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

[F.R. Doc. 68–2761; Filed, Mar. 5, 1968; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18050; FCC 68–230]

FM BROADCAST STATIONS IN PUERTO RICO

Maximum Power and Antenna Height

In the matter of amendment of § 73.211(b) (3), of the rules concerning maximum power and antenna height for FM Broadcast Stations in Puerto Rico, Docket No. 18050, RM–1253.

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

2. Section 73.211(b) (3) provides that Class B FM broadcast stations in Puerto Rico, although located in Zone IA, may utilize powers of 25 kw. with antenna heights up to 2,000 feet above average terrain. This rule, which is more liberal than the power-height combination for other Zone I and Zone IA stations, was adopted in the fourth report and order in Docket No. 14185, on October 9, 1964, 29 F.R. 14116, after consideration of the comments and data submitted by an interested party in that proceeding. The main reasons for the adoption of the present rule in Puerto Rico were; (a) the special terrain situation wherein a large mountain range runs throughout the island in its central portion and (b) the favorable assignment situation wherein most of the separations meet the greater requirements for Zone II rather than Zone I. In view of these special considerations and in order to encourage use of higher antennas with their attendant better service to the public, we adopted a rule which permits powers of 25 kw. and antenna heights up to 2,000 feet with appropriate reductions for heights above 2,000 feet on the island.

3. On February 8, 1968, Island Teleradio Service, Inc. (Island) permittee of Station WBNB–FM, Channel 250, Charlotte Amalie, V.I., filed a petition, RM–1253, requesting an amendment of § 73.211(b) (3) so as to include Virgin Islands in the exception to the general power-height limitation for Zone I and IA Class B stations. Island submits that the terrain situation in the Virgin Islands is very similar to that in Puerto Rico in that mountain ranges also exist in the central portions of the islands. As to the assignments in the Virgin Islands (four Class B channels), it points out that there are no co-channel assignments in Puerto Rico and the Virgin Islands and that all the second and third adjacent channel assignments meet the Zone II spacings. As to the first adjacent channel, it states that there is only one such assignment, Channel 249A recently assigned to Cayey at a distance of 82 miles from WBNB–FM, and that no interference would be caused or received with a Cayey station operating with maximum Class A facilities and WBNB–FM operating with 25 kw. at 2,000 feet above average terrain.[5] Finally, Island states that it will increase it facilities from the present 3.2 kw. at 1,500 feet to 50 kw. at the same height, thereby providing a 1 mv/m signal over all of the Virgin Islands, in the event the proposal is adopted by the Commission.

4. We are of the view that comments should be invited on the petitioner's proposal in order that all interested parties may submit their views and relevant data. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before March 29, 1968, and reply comments on or before April 12, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in the proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

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

6. Authority for the adoption of the amendment proposed herein is contained in section 4 (i), and (j), 303, and 307(b)

[4] Statement of Commissioner Cox in which Commissioners Bartley and Johnson join filed as part of the original document.

[5] Presumably the interference would fall beyond the 1 mv/m contour.

of the Communications Act of 1934, as amended.

7. As amended, § 73.211(b)(3) would read as follows:

§ 73.211 Power and antenna height requirements.

* * * * *

(b) * * *

(3) In Puerto Rico and the Virgin Islands Class B stations may use antenna heights up to 2,000 feet above average terrain with effective radiated powers up to 25 kw. For antenna heights above 2,000 feet, the power shall be reduced so that the station's 1 mv/m contour (located pursuant to Figure 1 of § 73.333) will be no further from the station's transmitter than with the facilities of 25 kw. and antenna height of 2,000 feet. For powers above 25 kw. (up to 50 kw.) no antenna heights will be authorized which result in greater coverage by the 1 mv/m contour than that obtained with the facilities of 25 kw. and antenna height of 2,000 feet.

* * * * *

Adopted: February 28, 1968.

Released: March 1, 1968.

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

[F.R. Doc. 68-2760; Filed, Mar. 5, 1968; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 17496; FCC 68-232]

UHF TELEVISION BROADCAST CHANNEL

Table of Assignments, Baytown, Tex.; Report and Order Terminating Proceeding

In the matter of amendment of the Table of Assignments in § 73.606 of the Commission rules and regulations to assign a UHF television broadcast channel to Baytown, Tex., Docket No. 17496, RM-1084.

1. On June 9, 1967, the Commission issued a notice of proposed rule making (FCC 67-667) in the above-entitled matter. The proceeding was instituted pursuant to a petition for rule making (RM-1084) by George Chandler, H. W. Kilpatrick III, W. T. Jones, Jr., and Mrs. Hellen Nelson, requesting the assignment of a UHF television broadcast channel to Baytown, Tex. The petitioners stated that if the assignment is made they will promptly file an application for authority to construct and operate a new UHF television broadcast station in Baytown.

2. In the notice of proposed rule making the Commission expressed some doubt that a channel assigned to Baytown could operate successfully as a strictly local station and foresaw the possibility that such a station would eventually seek to be identified with the Greater Houston market area and thus, become merely another Houston TV station. The petitioner and other interested parties were asked to comment specifically as to the probable economic viability of a local Baytown station and to supply information as to other situations where a TV station is operating successfully as local station in a community that is part of a larger metropolitan area. Parties were also asked to comment on the need to conserve channels in the Houston area to meet future needs in surrounding communities.

3. Comments opposing the proposed assignment of Channel 43 to Baytown, Tex., were filed by KXYZ Television, Inc., applicant for Channel 26 in Houston; WKY Television Systems, Inc., licensee of KHTV, Channel 39 in Houston; and TVue Associates, Inc., permittee of KVVV-TV, Channel 16, Galveston. Reply comments were filed by WKY Television Systems, Inc., and TVue Associates, Inc. KXYZ argues that past experience has shown that stations started as local stations in the SMSA of a large central city have ultimately gravitated to the larger city and there is no persuasive evidence that the proposed Baytown assignment would be an exception. Examples are cited. WKY Television Systems, Inc. uses much the same arguments also citing examples. TVue Associates, Inc. bases its opposition on the evil effects of unrestrained competition which results from assigning too many TV channels to a single market. It alleges that it is abundantly clear that the market the petitioner hopes to serve is in Houston and the surrounding area. The Commission notes that TVue Associates, Inc. applied for Channel 16, assigned to Galveston, obtained its original construction permit in October 1966, for a transmitter site a little over 15 miles out of Galveston and subsequently applied for a modification of the original permit to change the transmitter site to a location some 27 miles out of Galveston and less than that distance to Houston. The modification was granted in July, 1967. While that opponent can speak with authority on the gravitation of channels to the larger cities, its arguments concerning "unrestrained competition" must be considered to be speculative since its authorized station has not yet been placed in operation. The Reply Comments of WKY Television Systems, Inc. and TVue Associates, Inc. repeated the same arguments in substance.

4. The petitioner admits that it was unable to find an example of a situation where a station within a large metropolitan area has operated as a local station serving primarily one of the communities within that larger metropolitan area. The petition argues rather that the Commission has in the past, made assignments to such local communities within larger metropolitan areas and that this is an adequate basis for making the requested assignment. It is precisely this past experience with such assignments that gives rise to our concern in the present matter. The pattern is almost invariable. The assignment is placed in the smaller community and intended to serve the local needs of that community. An application is granted for a station identified with the smaller community and the station is built and placed in operation. In a very short period of time the licensee comes before the Commission with the complaint that being identified with the smaller city, it cannot compete successfully for advertising revenue with the stations identified with the large central city and therefore it must be permitted to become similarly identified or fail. The end result is that the large central city becomes overserved and the surrounding smaller cities still have no local outlet.

5. The petitioner presents several alternative analyses in an attempt to demonstrate the economic viability of a station operating as a local Baytown outlet. First, a survey of 22 local business firms, of which 13 stated they would advertise on such a station, and would spend between $61,000 and $73,000 a year. Based on this survey it concludes that all local Baytown advertisers would spend $150,000 in advertising on the station in first year. If this were a randomly selected sample of all local businesses, we would have to assume that there are only about 50 business firms in Baytown, which seems unlikely. If, on the other hand, the firms surveyed are actually the only ones who could reasonably be expected to advertise on television, then obviously there is no reason to expand the $60,000 to $70,000 figures to $150,000. In addition, the petitioner states that it will receive $75,000 a year from advertisers outside of Baytown but within the Houston metropolitan area. Of this amount $50,000 is anticipated from manufacturing firms which the petitioner admits do not normally advertise on television.

6. The petitioner attempts to support this estimate of $225,000 in revenue ($150,000 plus $75,000) by other estimates based on national TV advertising expenditures and somehow related to local expenditures. No attempt is made to explain why it is appropriate to use national ratios to estimate local revenues particularly in an area so limited as a segment of a metropolitan area.

7. We believe the Commission should avoid creating a situation which could result in making another commercial TV assignment to Houston before the channels already assigned to that city have been utilized. At the present time, commercial TV stations are licensed on Channels 2, 11, and 39 in Houston. In addition, construction permits have been granted for Channel 20 in Houston; Channel 45 assigned to Rosenburg, Tex., but with the transmitter site in the general area of the Houston TV stations; and Channel 16 at Galveston, Tex., with the transmitter site halfway between Galveston and Houston. There are pending applications for Channel 26 in Houston which are involved in a comparative hearing. An educational TV broadcast station operates on Channel 8 in Houston. When these stations are all placed in operation, there should be substantially more time available for programming oriented toward Baytown as well as other smaller communities in the Houston SMSA. The people of Baytown now have

a choice of several programs from existing stations and will have addditional choices from already authorized stations when they are built. The needs of Baytown can be more accurately assessed when this comes about.

8. *Accordingly it is ordered*, That, the proposal to assign Channel 43 to Baytown, Tex., is denied and this proceeding is terminated.

Adopted: February 28, 1968.

Released: March 1, 1968.

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

[F.R. Doc. 68-2762; Filed, Mar. 5, 1968; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 18052; FCC 68-235]

FM AND TV BROADCAST STATIONS

Field Strength Measurements

In the matter of amendment of Part 73 of the rules regarding field strength measurements for FM and TV broadcast stations, Docket No. 18052, RM-839.

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

2. The Commission has before it for consideration a petition (RM-839) filed by Kear and Kennedy, consulting engineers, requesting rule making: (1) To provide for field strength measurements for FM stations; and (2) to substitute an entirely different method of making such measurements for TV stations for that provided presently in § 73.686. Petitioners point out that under a Table of Assignments type of allocation plan, such as used in the FM and TV broadcast services, there is relatively little need for measured data on individual stations. They submit, however, that there are several situations, such as overlap of commonly owned stations, competitive hearings, etc., where determining the location of signal-intensity contours by the standard prediction method in a specific situation may yield unrealistic results. For this reason, they contend, the rules should permit a supplementary showing in cases where the actual coverage would be likely to depart significantly from that obtained by the standard prediction method.

3. Present Commission rules provide for the use of field strength measurements for limited purposes of "showing that the technical standards contained in this subpart do not properly reflect any given type of interference or propagation effects". The method of measurement specified in § 73.686 calls for mobile measurements with an antenna 10 feet above ground and the adjustment of the median values of such measurements to correspond to an antenna 30 feet above ground. The petitioner contends that the present provisions are deficient in several respects including a failure to provide for study of a single selected radial, lack of agreement between adjusted 10-foot measurements and actual 30-foot measurements, and the production of a great deal of redundant data. The petitioner claims that the method of obtaining field strength measurements recommended by the Television Allocations Study Organization (TASO)[1] is superior and will yield more accurate results.

4. The Commission is aware of the shortcomings of the present method of predicting the service areas of FM and TV broadcast stations from field strength charts. The various percentages of signal strength distribution shown by these charts may be compared with the life-expectancy tables used by insurance companies. Life-expectancy tables will not accurately predict the life span of any given individual but they are a necessary administrative tool for establishing insurance rates. The field strength charts used by the Commission will not accurately predict the quality of service that will be received in an individual home or in a particular portion of the defined service area of a TV or FM broadcast station but they are a necessary tool for designing an overall assignment plan and administering rules regarding overlap of service areas, carriage of signals by CATV systems and other similar matters. The definitions of the various service areas reflect the admitted limitations in the field strength charts. The definition of the television Grade A, Grade B, or Principal City contour is not intended to define the quality of reception but rather the percentage of locations that may obtain acceptable reception. The Grade B contour is defined as an isoservice contour along which there is a 50 percent probability of receiving an acceptable picture for at least 90 percent of the time on a typical TV receiving installation. The Grade A contour is defined as an isoservice contour along which there is a 70 percent probability of receiving an acceptable picture for at least 90 percent of the time, again under typical conditions and the Principal City contour is an isoservice contour along which there is a 90 percent probability of receiving an acceptable picture for at least 90 percent of the time with a typical receiving installation. In the strictest sense, the probabilities apply only to locations on the defined contour and not, per se, to all of the locations enclosed by the contour. Therefore, there will be locations along and within the defined contours which are likely to experience various degrees of unsatisfactory reception.

5. The Commission has, on a number of occasions, studied the possibility of permitting field strength measurements on individual stations for the purpose of determining more accurately its actual coverage. However, measurements by different engineers often yield widely different results, measurements made at the same locations by the same engineer and under similar conditions but at different times, may differ substantially. The Commission is seeking a method that will yield substantially the same results when measurements are made, under similar conditions, by independent observers and at different times. Otherwise, measurements can have no probative value. The petitioner claims that the TASO method will satisfy those requirements.

6. The petition has sufficient merit to warrant the institution of rule making. However, the TASO method of making mobile field strength measurements with an antenna 30 feet above ground is time-consuming and somewhat hazardous because of the possibility of inadvertent contact with overhead power lines. Furthermore, there are circumstances where a linear run of sufficient distance cannot be made. TASO provides an alternative which calls for making a "cluster" of spot measurements. This reduces the hazard somewhat but is still time-consuming. Mobile measurements with a 10-foot antenna are attractive because of the comparative simplicity of making them. No satisfactory method of adjusting the median values of mobile measurements at 10 feet to reflect reception conditions at 30 feet has been found. However, it has been suggested that a better correlation may be found if the maximum field strengths measured at 10 feet above ground from a moving vehicle are compared to measurements made at 30 feet above ground by the TASO method. Interested parties are invited to submit data comparing the two methods of making field strength surveys as well as data to support any other practical method that may be suggested. The important requirements are that the method shall yield comparable results when employed by independent observers or when used at different times by the same observer and the method shall not be inordinately complex or time-consuming.

7. The isoservice concept takes into account the fact that there are isolated areas of various sizes within the area enclosed by the contour in which less than the specified percentage of locations can obtain satisfactory reception. Therefore, field strength measurements made within a single community or other isolated area do no more than confirm that such areas exist. Such measurements do not provide an adequate basis for changing the location of the defined contour.

8. Accordingly, comments are invited on the proposal by the petitioner, shown as set forth below, as well as other methods of making and using field strength measurements for determining the coverage of FM and TV broadcast stations. Excerpts from the TASO report describing the TASO method of making measurements, are attached hereto for information. Comments supporting or opposing the use of field strength measurements for determining the location of field strength contours of individual stations shall include engineering data in support of the position taken by the party making the comment. Engineering

[1] Engineering Aspects of Television Allocations Report of the Television Allocations Study Organization to the Federal Communications Commission, Mar. 16, 1959.

analyses of available field strength measurements as well as new measurement data will prove most helpful. Comments may be directed toward specific rule changes that may be required if the present method of estimating FM and TV broadcast station coverage is changed. In addition to the comments filed herein, the Commission will consider all pertinent data obtained from any authoritative source in reaching a final decision as to the specific rule changes needed, if any.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before May 7, 1968, and reply comments on or before May 22, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

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

Adopted: February 28, 1968.

Released: March 1, 1968.

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

The following rewording of the portion of FCC rules affected by this proposal is suggested by the petitioner:

§ 73.686 Field intensity measurements.

(a) Except as provided for in § 73.612, television broadcast stations shall not be protected against any type of interference or propagation effect. In matters not directly involving these allocation factors it may be found desirable to submit measurement data for the purpose of showing more precisely the propagation over a particular path, or the field intensity received at a particular location. Persons may also desire to submit testimony, evidence, or data to the Commission for the purpose of showing that the technical standards contained in this subpart do not properly reflect certain types of interference or propagation effects. (The latter may be done only in appropriate rulemaking proceedings to amend such technical standards.) Persons making field intensity measurements for formal submission to the Commission in accordance with the above, or upon the request of the Commission, should comply with the procedure for making such measurements as outlined in the following paragraphs of this section.

(b) Measurements made to determine field intensities from television broadcast stations should be made with mobile equipment in the manner described in the TASO report ("Collection of Field Strength Data for Purposes of Propagation Analysis," Pages 271 to 274, or "Collection of Field Strength Data to Determine Coverage in Cities," Pages 283 to 284, as may be appropriate for the purpose.)

(c) In the case of radial measurements, the data thus collected should be plotted for each radial with distance as the abscissa and field intensity as the ordinate. A smooth curve should be drawn through the points of median field for each measuring location and this curve used to determine the distance to the desired contour. The distances obtained for each radial may then be plotted on the map of predicted coverage or on polar coordinate paper to determine the service areas of a station.

(d) In the case of measurements to establish coverage within an area, the data should be analyzed statistically to establish the median received field intensity within the area or areas studied, and the standard deviation.

(e) Data obtained in conjunction with field intensity measurements shall be submitted to the Commission in affidavit form in triplicate, including the following:

(1) Map or maps showing the radials or areas studied and the exact locations of the measuring points. These maps should be large-scale topographic maps where obtainable. Where a great many maps may be involved, a map or maps of smaller scale may be submitted, providing the large-scale maps are retained and available upon request.

(2) In the case of radial measurements, map or maps showing the predicted service contours and the contours established by measurement.

(3) A full description of the transmitting installation under study, including the antenna system and power employed during the survey. If a directional transmitting antenna is employed, a diagram on polar coordinate paper should be included, showing the antenna pattern in terms of radiated field (mv/m at one mile) or power (dbk).

(4) A full description of the procedures and methods employed, including the type of equipment, the method of installation and operation, and calibration procedures.

(5) Complete data obtained during the survey, including calibration.

(6) Name, address, and qualifications of the engineer or engineers making the measurements.

A similar paragraph and associated description of measurement procedure should be included in Subpart B of Part 73, dealing with FM broadcast services.

EXCERPTS FROM TASO

PART II—COLLECTION OF FIELD STRENGTH DATA FOR PURPOSES OF PROPAGATION ANALYSIS

This part of the specifications prescribes methods for taking VHF and UHF field strength data for purposes of propagation analysis. Although, as pointed out above, other methods have been proposed for this purpose, the methods prescribed by this part of these specifications are designed to yield data suitable for this type of analysis. The following paragraphs describe the preparation for the measurements, the selection of measuring locations, the actual making of the measurements, give special instructions for unusual circumstances, and discuss the value of spot measurements for use in both regular and special studies. In addition, the last section of Part II includes recommended methods of reporting the collected data in a form to facilitate the analysis of the measurements.

A. *Preparation for measurements.* Using large scale topographic maps, lay out eight or more approximately equally spaced radial routes from the transmitter to the maximum distance to which measurements are to be made. These routes should be chosen so as to encounter representative types of terrain, and the number and direction of the routes may be varied as necessary to accomplish this objective.

After the routes have been laid out on topographic maps, divide each route, starting at exactly 10 miles from the transmitter, into exact 2-mile sections.

Select the intersection of an accessible road with the radial route nearest to each of the 2-mile mileage markers. There intersections are the locations at which the measurements will be made, and will be referred to as measuring locations. If a measuring location meeting the requirements for any given section is not available due to the absence of a road, select the measuring location as near to the mileage marker as possible, and as nearly as possible at the same elevation as the mileage marker.

B. *Making of measurements.* Part II of these specifications requires the making of field strength measurements employing a receiving antenna 30 feet above the street. In view of the hazards presented by this practice, it should be constantly borne in mind that the utmost in safety precautions must be observed. Appendix A to these specifications discusses recommended safety precautions which should be adhered to in order to make these measurements with the maximum safety.

Either the visual or aural carrier of television transmissions may be measured.[1] When the visual carrier is measured, a peak reading voltmeter must be employed which will read the field strength voltages corresponding to the synchronizing peaks. Indicate clearly which carrier is being measured.

The field strength measurements at each measuring location will consist of mobile measurements over a short course with the antenna at a height of 30 feet.

At each measuring location, first, check the calibration of the instruments; second, orient the receiving antenna toward the transmitter; third, elevate the receiving antenna to a height of 30 feet above ground; fourth, rotate the receiving antenna and determine whether the maximum signal is arriving from the direction of the transmitter. If the maximum signal is received from a direction different from the direction of the transmitter, refer to the "Special Instructions" below. Next, with the chart recorder operating, record the field strength on the chart while making a run of 100 feet[2] along the road, centered on the inter-

[1] In order to provide some information on the relative radiated power and the transmitting antenna radiation patterns, spot measurements of both the visual and aural carriers should be made at several measuring locations in each direction. The most suitable locations for these comparative measurements will be those where the field exhibits the least variation, and where the location appears to be relatively free of conditions which would tend to establish heavy standing wave patterns.

[2] If overhead obstacles will not perimit a run of 100 feet, a "cluster" of five spot measurements may be substituted. A run longer than 100 feet (up to 500 feet) may be employed if desired. Identify the first measurement made in a cluster.

section of the radial route with the road. Mark the exact position of the measuring location on the topographic map, and in the notebook characterize in detail the topography, height and type of vegetation, habitation, obstacles, weather, and any other local features believed to have an influence on the received field.[3] Identify the data by suitable numbering.

C. *Special instructions.* If, at the beginning of a 100-foot mobile run, the maximum signal is received from a direction different from the direction of the transmitter, proceed as follows: First, make the mobile run as prescribed, with the receiving antenna oriented toward the transmitter; second, make measurements in a "cluster" pattern with at least five points. At each point, measure the field strength both with the receiving antenna oriented toward the transmitter and oriented for maximum usable signal, and note both values at each point.

D. *Spot measurements.* It will be noted that this specification does not provide for the use of individual spot measurements in connection with the measuring pattern prescribed. However, spot measurements may be of value in special studies. For example, the "cluster" of spot measurements is recognized as a substitute for a short mobile run in obstructed areas, or for the purpose of investigating the arrival of signals from directions other than from the transmitter.

Some other applications of spot measurements are an investigation of the behavior of the signal in cities and towns of various classes, and evaluation of field strengths available in the vicinities of the home as related to field strengths on nearby roads, and studies of time fading.

E. *Recommended method of reporting measurements.* The field strength measurements should be reduced to a report which includes the following information:

1. Tables of field strength measurements.

These tables should list the field strength measurements in each direction from the transmitting antenna, including the following data:

a. Distance from the antenna.

b. Ground elevation at measuring location.

c. Date, time of day, and weather.

d. Median field in dbu for 0 dbk for 100-foot mobile run (the minimum and maximum field strengths may be included if convenient).

e. Notes describing measuring locations.

A suggested form for recording these data is attached as appendix B.

2. Maps showing the locations at which the actual field strength measurements were made.

These should be U.S. Geological Survey topographic maps of the largest available scale, and should show the exact point at which each measurement was made.[4] If the survey includes a large number of topographic maps, an index map may form a convenient exhibit to the report.

3. A description of transmitting installation.

Appendix C is a suggested form for recording the pertinent details of the transmitting installation, indicating the information which should be included. The horizontal and principal vertical plane field patterns of the transmitting antenna should be supplied if available.

4. A list of the calibrated equipment used for the field strength survey listing the instruments used, the manufacturer of each instrument, and giving details as to their accuracy, including the date of most recent manufacturer's or laboratory calibration. This should include complete details of any instrument not of standard manufacture.

5. A detailed description of the calibration of the measuring equipment, including the field strength meters, measuring antenna and cable.

6. Terrain profiles in each direction in which measurements were made, drawn on curved earth paper of the largest available scale.[5] This graph paper should be drawn for an equivalent 4/3 earth's radius.

PART IV—COLLECTION OF FIELD STRENGTH DATA TO DETERMINE COVERAGE IN CITIES

This part of the specifications prescribes a method for taking VHF and UHF field strength data to determine service in cities. Although there has been some discussion of a variation of this method which proposes a distribution of the sample in proportion to population it is not felt that population distribution information is available for a sufficient number of cities to warrant this refinement.

A. *Preparation for measurements.* Determine the population of the city (and suburbs, if any) by reference to an appropriate population source (1960 U.S. census, populations of cities and urbanized areas). Determine the number of measuring locations as being approximately three times the square root of the population in thousands. Obtain an accurate map of the city and lay out a rectangular grid with the number of intersections adjusted to match the number of measuring points selected above.

B. *Making of measurements.* The field strength measurements to be made in accordance with the procedure outlined herein will all be made at a height of 30 feet above ground with equipment as described in Part I of the specifications. A spot sampling technique will be used exclusively in this procedure. In view of the potential hazards involved in the use of a 30-foot mast, even with spot sampling, certain safety precautions should be observed. Appendix A of Part II of these specifications discusses some recommended safety procedures.

Either the visual or aural carrier of the television transmission may be measured. When the visual carrier is measured a peak reading voltmeter must be employed which will read field strength voltages corresponding to the synchronizing peaks. The report on the measurements should clearly indicate which carrier was measured and what transformation, if any, was used to obtain the equivalent field strengths for the visual carrier.

The measuring locations should be selected at or as close as possible to the points previously laid out on the map. When unable to reach the designated location a substitute location should be chosen as close as possible and as near to the same elevation as possible, subject to availability of roads. At the measuring location the calibration of the field strength instrument should be checked, the antenna elevated to 30 feet and oriented for maximum signal and the observed field strength recorded. A notation should be made in the event the maximum signal arrives from some direction other than that of the transmitter.

C. *Analysis of the data.* The data should be analyzed as a single group and the mean and standard deviation determined. As an alternative the data may be ordered and plotted on probability paper and a straight line (log normal distribution) be drawn through the data. From either of the above analyses it can be determined what percentage of locations in the city receive a field strength equal to or greater than any specified value.

D. *Recommended method of reporting measurements.* The field strength data should all be reduced to dbu for the actual visual operating power of the station. A map showing the actual location of the measuring points should be a part of the report. The data should be tabulated and identified by means of a suitable numbering system. The mean and standard deviation should be reported or the plotted distribution included as a figure in the report.

[F.R. Doc. 68-2759; Filed, Mar. 5, 1968; 8:48 a.m.]

[3] Photographs of the measuring locations are of value as a supplement to the written description.

[4] Where a large number of maps is involved, this requirement will be considered to be met by making copies of the original maps available to interested persons using the report.

[5] Reduced size reproductions of the terrain profiles may be supplied with the printed report, if the large scale originals are available for study by interested persons using the report.

FEDERAL MARITIME COMMISSION

[46 CFR Part 514]

[Docket No. 67-57]

SIGNIFICANT VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADE

Reports of Rate Base and Income Account; Enlargement of Time for Filing

At the request of Hearing Counsel, and good cause appearing, time within which reply to comments may be filed in this proceeding is enlarged to and including April 19, 1968. Time within which answer to Hearing Counsel's reply may be made is enlarged to and including May 10, 1968.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 68-2779; Filed, Mar. 5, 1968; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[Ex Parte No. MC-37 (Sub-No. 2(A))]

MINNEAPOLIS-ST. PAUL, MINN. COMMERCIAL ZONE

Redefinition of Limits

MARCH 1, 1968.

Redefinition of the limits of the Minneapolis-St. Paul, Minn., commercial zone heretofore defined in Ex Parte No. MC-37 commercial zones and terminal areas 48 M.C.C. 441 at Page 453. Petitioner: Univac Division of Sperry Rand Corp. Petitioner's representative: Edwin A. Schmidiger, Sperry Rand Corp., Data Processing Division, Post Office Box 8100, Philadelphia, Pa. 19101. By petition filed January 4, 1968, Univac Division of

Sperry Rand Corp. requests the Commission to reopen the above proceeding for the purpose of redefining the limits of the Minneapolis-St. Paul, Minn., commercial zone which were defined on July 19, 1948, in the Second Supplemental Report of the Commission in Commercial Zones and Terminal Areas, 48 M.C.C. 441 at page 453 (49 CFR 1048.36), so as to include therein Egan Township, Dakota County, Minn.

As presently defined, the Minneapolis-St. Paul, Minn., commercial zone is bounded, in part, on the south by the southern boundary of Mendota Heights Township. Petitioner requests the Commission to include within the zone Egan Township which is contiguous to Mendota Heights Township.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Minneapolis-St. Paul commercial zone, may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before April 8, 1968. A copy of such statement should be served upon petitioner's representative.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-2771; Filed, Mar. 5, 1968; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240, 250]

[Release Nos. 33-4897, 34-8257, 35-15969]

DISCLOSURE DETRIMENTAL TO NATIONAL DEFENSE

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission, pursuant to the authority contained in section 19(a) of the Securities Act of 1933, 48 Stat. 85, as amended, 15 U.S.C. 77s, section 23(a) of the Securities Exchange Act of 1934, 48 Stat. 901, as amended, 15 U.S.C. 78w, and section 20 of the Public Utility Holding Company Act of 1935, 48 Stat. 833, 15 U.S.C. 79t, is considering certain amendments to Rule 171 (17 CFR 230.171) under the Securities Act of 1933, Rule 0-6 (17 CFR 240.0-6) under the Securities Exchange Act of 1934, and Rule 105 (17 CFR 250.-105) under the Public Utility Holding Company Act of 1935. These rules provide that no registration statement, report, proxy statement, notification or similar document filed with the Commission shall contain any document or information that has been classified or determined by an appropriate department or agency of the United States to require protection in the interests of national defense. The rules also require the furnishing of statements from such department or agency as to the classification or clearance of such documents or information.

The proposed amendments would make clear that it is the duty of the registrant to submit the documents or information to the appropriate department or agency prior to filing them with the Commission and to obtain and submit to the Commission the statements regarding the classification or clearance of such documents and information. The amended rules would also provide that such statements shall be in writing.

I. The Commission proposes to adopt § 230.171 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 230.171 Disclosure detrimental to the national defense.

(a) Any requirement to the contrary notwithstanding, no registration statement, prospectus, or other document filed with the Commission or used in connection with the offering or sale of any securities shall contain any document or information that has been classified or determined by an appropriate department or agency of the United States to require protection in the interests of national defense.

(b) Where a document or information is omitted pursuant to paragraph (a) of this section, there shall be filed, in lieu of such document or information, a statement from an appropriate department or agency of the United States to the effect that such document or information has been classified or that the status thereof is awaiting determination. Where a document is omitted pursuant to paragraph (a) of this section, but information relating to the subject matter of such document is nevertheless included in material filed with the Commission pursuant to a determination of an appropriate department or agency of the United States that disclosure of such information would not be contrary to the interests of national defense, a statement from such department or agency to that effect shall be submitted for the information of the Commission.

(c) The Commission may protect any information in its possession which may require classification in the interests of national defense pending determination by an appropriate department or agency as to whether such information should be classified.

(d) It shall be the duty of the registrant to submit the documents or information referred to in paragraph (a) of this section to the appropriate department or agency of the United States prior to filing them with the Commission and to obtain and submit to the Commission, at the time of filing such documents or information, the statements from such department or agency required by paragraph (b) of this section. All such statements shall be in writing.

II. The Commission proposes to adopt § 240.0-6 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.0-6 Disclosure detrimental to the national defense.

(a) Any requirement to the contrary notwithstanding, no registration statement, report, proxy statement or other document filed with the Commission or any securities exchange shall contain any document or information that has been classified or determined by an appropriate department or agency of the United States to require protection in the interests of national defense.

(b) Where a document or information is omitted pursuant to paragraph (a) of this section, there shall be filed, in lieu of such document or information, a statement from an appropriate department or agency of the United States to the effect that such document or information has been classified or that the status thereof is awaiting determination. Where a document is omitted pursuant to paragraph (a) of this section, but information relating to the subject-matter of such document is nevertheless included in material filed with the Commission pursuant to a determination of an appropriate department or agency of the United States that disclosure of such information would not be contrary to the interests of national defense, a statement from such department or agency to that effect shall be submitted for the information of the Commission.

(c) The Commission may protect any information in its possession which may require classification in the interests of national defense pending determination by an appropriate department or agency as to whether such information should be classified.

(d) It shall be the duty of the registrant to submit the documents or information referred to in paragraph (a) of this section to the appropriate department or agency of the United States prior to filing them with the Commission and to obtain and submit to the Commission, at the time of filing such documents or information, the statements from such department or agency required by paragraph (b) of this section. All such statements shall be in writing.

III. The Commission proposes to adopt § 250.105 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 250.105 Disclosure detrimental to the national defense.

(a) Any requirement to the contrary notwithstanding, no notification statement, application, declaration, report or other document filed with the Commission shall contain any document or information that has been classified or determined by an appropriate department or agency of the United States to require protection in the interests of national defense.

(b) Where a document or information is omitted pursuant to paragraph (a) of this section, there shall be filed in lieu

of such document or information, a statement from an appropriate department or agency of the United States to the effect that such document or information has been classified or that the status thereof is awaiting determination. Where a document is omitted pursuant to paragraph (a) of this section, but information relating to the subject-matter of such document is nevertheless included in material filed with the Commission pursuant to a determination of an appropriate department or agency of the United States that disclosure of such information would not be contrary to the interests of national defense, a statement from such department or agency to that effect shall be submitted for the information of the Commission.

(c) The Commission may protect any information in its possession which may require classification in the interests of national defense pending determination by an appropriate department or agency as to whether such information should be classified.

(d) It shall be the duty of the registrant to submit the documents or information referred to in paragraph (a) of this section to the appropriate department or agency of the United States prior to filing them with the Commission and to obtain and submit to the Commission, at the time of filing such documents or information, the statements from such department or agency required by paragraph (b) of this section. All such statements shall be in writing.

All interested persons are invited to submit their views and comments on the proposed amendments, including their views as to whether compliance therewith would involve undue hardship or expense. Such views and comments shall be submitted in writing, in duplicate, to the Securities and Exchange Commission, Washington, D.C. 20549 on or before March 19, 1968. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, February 15, 1968.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-2818; Filed, Mar. 5, 1968; 8:50 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket Nos. G–5013, etc.]

SHELL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 21, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–5013 1–8–68 [1]	Shell Oil Co. (Operator) et al.,[2] 50 West 50th St., New York, N.Y. 10020.	El Paso Natural Gas Co., Wasson Gasoline Plant, Yoakum County, Tex.	15.633	14.65
G–7241 C 12–11–67	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	12.05085	15.025
G–10078 D 2–5–68	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001.	Florida Gas Transmission Co., Algoa Field, Brazoria and Galveston Counties, Tex.	[3]	.....
G–11949 (CS66–21) E 12–4–67 [4]	Mobil Oil Corp. (Operator), Post Office Box 2444, Houston, Tex. 77001.	El Paso Natural Gas Co., Pegasus Gasoline Plant, Midland County, Tex.	14.5	14.65
G–16576 D 2–9–68	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Prasifka Field, Wharton County, Tex.	[3]	.....
CI61–691 C 2–14–68	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Major County, Okla.	[5] 15.0	14.65
CI61–1147 D 2–9–68 [6]	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Woodward County, Okla.	Assigned	.....
CI63–1317 11–13–67 as amended 2–14–68 [7]	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla. 74003.	Texas Gas Transmission Corp., Lawson Field, Acadia Parish, La.	19.5	15.025
CI66–176 C 2–9–68	Skelly Oil Co. (Operator) et al., Post Office Box 1650, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Arkoma Basin, Pittsburg County, Okla.	15.0	14.65
CI67–795 C 2–14–68	Apache Corp. (Operator) et al., 823 South Detroit, Tulsa, Okla. 74120.	Panhandle Eastern Pipe Line Co., South Peek Field, Ellis County, Okla.	[5] 17.0	14.65
CI68–203 C 2–12–68	Woods Petroleum Corp., 4900 North Santa Fe, Oklahoma City, Okla. 73118.	Northern Natural Gas Co., West Sharon Field, Woodward County, Okla.	[5] 17.0	14.65
CI68–276 C 2–8–68	Jerome P. McHugh (Operator) et al., 930 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas, Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI68–971 A 2–9–68	Graham-Michaelis Drilling Co., 302 Graham Bldg., 211 North Broadway, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Eva Field, Texas County, Okla.	[5] 17.0	14.65
CI68–972 B 2–9–68	Skelly Oil Co. (Operator) et al.	Cities Service Gas Co., Lacey Unit, Pratt County, Kans.	Depleted	.....
CI68–973 B 2–9–68	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Humble Gas Transmission Co., Carthage Point Field, Adams County, Miss.	[3]	.....
CI68–975 (G–15199) F 2–6–68	Union Texas Petroleum, a division of Allied Chemical Corp. (successor to Sunray DX Oil Co.), Post Office Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie Mattix Field, Lea County, N. Mex.	10.0	14.65
CI68–976 A 2–9–68	Pioneer Production Corp., Post Office Box 2542, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[5] 17.0	14.65
CI68–978 A 2–9–68	Appalachian Exploration & Development, Inc., c/o Boyd Taylor, Regional Counsel, Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., acreage in Putnam County, W. Va.	28.0	15.325
CI68–979 A 2–12–68	Union Carbide Petroleum Corp., 270 Park Ave., New York, N.Y. 10017.	Michigan Wisconsin Pipe Line Co., Ship Shoal Area, Offshore Louisiana.	[9] 21.25	15.025
CI68–980 B 2–12–68	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Depleted	.....
CI68–981 B 2–12–68	Reserve Oil & Gas Co. (operator) et al., 1806 Fidelity Union Tower, Dallas, Tex. 75201.	United Gas Pipe Line Co., Yanta Field, Goliad County, Tex.	Depleted	.....
CI68–982 (G–10272) F 2–7–68	Ashland Oil & Refining Co. (successor to Union Oil Co. of California), Post Office Box 18695, Oklahoma City, Okla. 73118.	Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla.	[10] 17.0	14.65
CI68–983 (G–10383) F 2–7–68	Ashland Oil & Refining Co. (successor to Humble Oil & Refining Co.).	do	[11] 17.0	14.65
CI68–984 A 2–12–68	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Sarah White Field, Galveston County, Tex.	17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI68-985 A 2-13-68	Arapahoe Production Co., Post Office Box 556, Littleton, Colo. 80120.	Northern Natural Gas Co., Mocane Laverne Field, Beaver County, Okla.	[1] 17.0	14.65
CI68-986 (G-17868) F 2-9-68	Ashland Oil & Refining Co. (successor to Union Oil Co. of California).	Colorado Interstate Gas Co., Highland Area, Beaver County, Okla.	[12] 16.0	14.65
CI68-987 A 2-14-68	Amarillo Natural Gas Co. (Operator) et al., 305 Bank of the Southwest Bldg., Amarillo, Tex. 79109.	Northern Natural Gas Co., Wade Awake Field, Seward County, Kans.	16.0	14.65
CI68-988 A 2-14-68	Stout Gas Co., Post Office Box 213, Elizabeth, W. Va. 26143.	United Fuel Gas Co., acreage in Gilmer County, W. Va.	25.0	15.325

[1] Amendment to certificate for additional sales volumes.
[2] By letter filed Feb. 14, 1968, Applicant agreed to accept permanent authorization containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[3] Deletes nonproductive acreage.
[4] Succession by Mobil to Wayne S. Denton et ux. interest in the Pegasus Plant. This interest was formerly covered under Sharples & Co. Properties (Operator) et al., FPC GRS No. 3, Docket No. G-6082; Sharples now has small producer certificate in Docket No. CS66-21.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Deletes acreage assigned to Tenneco Corp.
[7] Amendment to certificate to reflect change in field name from Midland Field to Lawson Field.
[8] Leases expired.
[9] Subject to deduction for compression should Buyer compress gas.
[10] Rate in effect subject to refund in Docket No. RI66-316. Subject to upward and downward B.t.u. adjustment.
[11] Rate in effect subject to refund in Docket No. RI68-2. Subject to upward and downward B.t.u. adjustment.
[12] Rate in effect subject to refund in Docket No. RI63-278. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 68-2676; Filed, Mar. 5, 1968; 8:45 a.m.]

[Docket Nos. RI68-465, etc.]

TEXACO, INC., ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates, Permitting Withdrawal of Rate Supplement and Terminating Proceeding [1]

FEBRUARY 27, 1968.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos
RI68-465	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052, Attn: Mr. R. C. Shields, Manager, Gas Division.	396	2	Colorado Interstate Gas Co. (Table Rock Unit, Sweetwater County, Wyo.).	$13,505	1-31-68	[2] 3-2-68	8-2-68	[3] 15.0	[3] [4] 17.0	
RI68-466	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017, Attn: Mr. C. E. Smith, Manager, Natural Gas & Gas Liquids Department.	70	[7] 5	El Paso Natural Gas Co. (Levelland Field, Cochran County, Tex.) (RR. District No. 8-A) (Permian Basin Area).		1-31-68	[2] 3-2-68	(Accepted)			
		70	6		209	1-31-68	[2] 3-2-68	8-2-68	[3] 15.5	[4] [6] 15.6488	
RI68-467	W. E. Burchett et al., Box 555, Hamlin, W. Va. 25523.	10	[8] 2	United Fuel Gas Co. (McDowell and Mingo Counties, W. Va.).	17,000	1-31-68	[9] 3-2-68	8-2-68	[10] 26.0	[10] [11] [12] 28.0	
RI68-468	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	163	10	Cities Service Gas Co. (Northeast Norman Field, Cleveland County, Okla.) (Oklahoma "Other" Area).	87,251	2-2-68	[9] 3-4-68	8-4-68	[14] 12.0	[4] [14] [15] 13.0	RI68-90.
	do	205	9	Kansas Nebraska Natural Gas Co., Inc. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	178	2-2-68	[9] 3-4-68	8-4-68	[15] 18.01	[4] [14] [15] 18.21	RI68-90.
	do	48	[16] 10	United Gas Pipe Line Co. (Triple A Field, San Patricio County, Tex.) (RR. District No. 4).		1-29-68	[9] 2-29-68	(Accepted)			
		48	11		584	1-29-68	[9] 2-29-68	7-29-68	[17] 14.6	[4] [18] 15.0	
RI68-469	The Superior Oil Co., Post Office Box 1521, Houston, Tex. 77001, Attn: H. W. Varner, Asst. Gen. Counsel.	99	5	Florida Gas Transmission Co. (Pheasant Field, Matagorda County, Tex.) (RR. District No. 3).	369	2-2-68	[2] 3-4-68	8-4-68	[15] 19.0	[4] [15] [19] 19.5	[19].

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Increase from initial rate to contract rate of 17 cents, due Jan. 1, 1968.
[4] Pressure base is 14.65 p.s.i.a.
[5] Initial rate.
[6] Tax reimbursement increase.
[7] Clarifies tax reimbursement provisions enabling Respondent to file for tax reimbursement for a portion of Texas Production Tax.
[8] Includes Letter agreement, signed by buyer, providing for increased rate.
[9] The stated effective date is the effective date proposed by Respondent.
[10] Renegotiated rate increase.
[11] Pressure base is 15.325 p.s.i.a.
[12] Includes charges of 3 cents per Mcf for gathering and 2 cents per Mcf for compression, paid by buyer.
[13] Rate of 27 cents per Mcf suspended in Docket No. RI66-285, which has been superseded by present rate increase filing.
[14] Periodic rate increase.
[15] Subject to a downward B.t.u. adjustment.
[16] Contract Amendment dated Dec. 26, 1967, provides for a 15-cent renegotiated rate for the period Oct. 1, 1967, to Sept. 21, 1970, among other things. Basic contract expires Sept. 21, 1970.
[17] Settlement rate as approved by Commission order issued Oct. 8, 1964, in Docket Nos. G-9283 et al.
[18] Remaining increment of contractually due periodic rate.
[19] Rate in effect subject to refund in Docket No. RI67-427. Superior fractured its 19.5-cent contractual rate so as not to be in conflict with the moratorium provisions imposed in Opinion No. 475 (expired Jan. 1, 1968).

[1] Does not consolidate for hearing or dispose of the several matters herein.

Texaco, Inc. (Texaco) requests that its proposed rate increase be permitted to become effective as of January 1, 1968. Union Oil Company of California (Union Oil) requests a retroactive effective date of November 1, 1967, for its proposed rate increase, and The Superior Oil Co. (Superior) requests that its proposed rate increase be made effective as of February 1, 1968, or, in any event, no later than upon expiration of the statutory notice. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco, Union Oil, and Superior's rate filings and such requests are denied.

Union Oil proposes a tax increase for a sale of gas in the Permian Basin Area of Texas, and has filed a related letter agreement dated November 1, 1967, designated as Supplement No. 5 to Union Oil's FPC Gas Rate Schedule No. 70, eliminating an inconsistency in the contract language concerning tax reimbursement, thereby enabling Union Oil to file for tax reimbursement for a portion of the Texas production tax. We believe that it would be in the public interest to accept for filing Union Oil's aforementioned letter agreement to become effective on March 2, 1968, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered. Since Union Oil's proposed 15.6488 cents per Mcf rate exceeds the applicable area ceiling rate of 10.2 cents per Mcf established by quality statement previously accepted pursuant to Opinion No. 468, as amended, it should be suspended for 5 months from March 2, 1968, the expiration date of the statutory notice.

Concurrently with the filing of its rate increase, Atlantic Richfield Co. (Atlantic) submitted a contract amendment dated December 26, 1967, designated as Supplement No. 10 to Atlantic's FPC Gas Rate Schedule No. 48, which provides for its proposed rate increase. We believe that it would be in the public interest to accept for filing Atlantic's contract amendment to become effective on February 29, 1968, but not the proposed rate contained therein which is suspended as hereinafter ordered.

W. E. Burchett et al. (Burchett) has filed a superseding rate increase from 26 cents to 28 cents per Mcf, designated as Supplement No. 2 to Burchett's FPC Gas Rate Schedule No. 10, to replace a rate increase from 26 cents to 27 cents per Mcf, filed January 17, 1966, which was suspended for 5 months in Docket No. RI66–285. By the Commission's notice issued December 11, 1967, the 27-cent suspended rate became effective subject to refund as of August 14, 1967. Burchett now states that no money has been collected with respect to the 27-cent increased rate and the buyer, United Fuel Gas Co., has stated that it has not paid Burchett the 27-cent increased rate. Since no monies have been collected subject to refund under Supplement No. 1 to Burchett's FPC Gas Rate Schedule No. 10 and has been superseded by Burchett's aforementioned Supplement No. 2 to such rate schedule, we believe that it would be in the public interest to terminate the suspension proceeding in Docket No. RI66–285 and Supplement No. 1 to Burchett's FPC Gas Rate Schedule No. 10 be considered withdrawn. Burchett's proposed renegotiated 28 cents per Mcf rate increase exceeds the area increased rate ceiling of 25 cents per Mcf for West Virginia as announced in the Commission's statement of general policy No. 61–1, as amended, and should be suspended for 5 months from March 2, 1968, the proposed effective date.

With the exception of the rate increase filed by Union Oil, mentioned above, which exceeds the area rate established in the related quality statement filed pursuant to Opinion No. 468, as amended, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for permitting the withdrawal of Supplement No. 1 to Burchett's FPC Gas Rate Schedule No. 10, and for terminating the related suspension proceeding in Docket No. RI66–285.

(2) Good cause has been shown for accepting for filing Union Oil and Atlantic's proposed contract amendments dated November 1, 1967 (Union Oil) and December 26, 1967 (Atlantic) designated as Supplement No. 5 to Union Oil's FPC Gas Rate Schedule No. 70, and Supplement No. 10 to Atlantic's FPC Gas Rate Schedule No. 48, and for permitting such supplements to become effective on March 2, 1968 (Union Oil) and February 29, 1968 (Atlantic).

(3) Except for the supplements set forth in paragraph (2) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 1 to Burchett's FPC Gas Rate Schedule No. 10 is permitted to be withdrawn and the suspension proceeding in Docket No. RI66–285 is terminated.

(B) Union Oil's Letter agreement dated November 1, 1967, designated as Supplement No. 5 to Union Oil's FPC Gas Rate Schedule No. 70, and Atlantic's contract amendment dated December 26, 1967, designated as Supplement No. 10 to Atlantic's FPC Gas Rate Schedule No. 48, are accepted for filing and permitted to become effective March 2, 1968 (Union Oil) the date of expiration of the statutory notice, and February 29, 1968 (Atlantic) the proposed effective date.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in (B) above).

(D) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 10, 1968.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68–2677; Filed, Mar. 5, 1968; 8:45 a.m.]

[Docket No. CP68–227]

CITY OF BOURBON, MO. ET AL.

Notice of Application

FEBRUARY 29, 1968.

In the matter of cities of Bourbon, Cabool, Cuba, Mountain Grove, Rolla, St. James, Steelville, and Waynesville, Mo., applicants Cities Service Gas Co., respondent.

Take notice that on February 14, 1968, the cities of Bourbon, Cabool, Cuba, Mountain Grove, Rolla, St. James, Steelville, and Waynesville, Mo. (Applicants), filed in Docket No. CP68–227 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to extend or improve its transportation facilities, to establish physical connection of its transmission facilities with the facilities to be constructed by various communities and users, and to sell and deliver natural gas to various communities and users for resale through such distribution systems. The proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose that Respondent be ordered to construct and operate a "main sales lateral" extending from Respondent's Saginaw Station near Joplin, Mo., to St. Clair, Mo. Applicants also propose that Respondent be ordered to construct and operate various "branch line laterals" from its main line lateral, consisting of (1) 73.9 miles of varying size line

from Cabool to Thayer, Mo.; (2) 23.8 miles of varying size line from Crocker to Richland, Mo.; (3) 76.4 miles of varying size line from near Rogersville to Fair Play and Buffalo, Mo.; (4) 61.1 miles of varying size line from Stratford to Lebanon and Sleeper, Mo.; and (5) 75.7 miles as proposed in Docket No. CP67–340 to Union, St. Clair, Sullivan, and Meramec Mining, Owensville, Jerome, and St. Clair-Washington, Mo. Applicants also requests that Respondent be further ordered to establish physical connection of its transmission branch line laterals with systems desiring to purchase natural gas for resale and distribution.

Applicants state that the application is offered as "an alternative proposal" to that offered by Respondent in Docket No. CP67–340 as well as the proposal offered by all of the communities requesting service from Respondent in Docket No. CP67–385 (Rogersville, Mo. et al.). Applicants further state that by their "alternative proposal" Respondent will be able to deliver the same quantity of natural gas as proposed in Docket Nos. CP67–340 and CP67–385, but that service under the "alternative proposal" will be rendered under Respondent's Zone 2 rate averaging 31.8 cents per Mcf prevailing in Springfield, Mo., area (Schedules F–2, C–2 and I–2) rather than under the higher New Zone 3 rates averaging 55.5 cents per Mcf (Schedules F–3, C–3 and I–3) proposed by Respondent in its application in Docket No. CP67–340.

Applicants state that should Cities Service not construct the alternate plan proposed herewith, the Applicants propose to construct the main line facilities themselves.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–2719; Filed, Mar. 5, 1968; 8:45 a.m.]

[Docket No. CP68–229]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

FEBRUARY 29, 1968.

Take notice that on February 19, 1968, Montana-Dakota Utilities Co. (Applicant), 831 Second Avenue South, Minneapolis, Minnesota 55402, filed in Docket No. CP68–229 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the twelve-month period from April 1, 1968 to March 31, 1968, and the operation of various gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The subject authorization is requested to enable Applicant to act with reasonable dispatch in contracting for and connecting to its certificated natural gas pipeline system new supplies of natural gas which may become available in areas adjacent to said system.

Total estimated expenditures will not exceed $400,000, with the cost of any single project not to exceed $100,000. The expenditures will be financed through internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 28, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–2720; Filed, Mar. 5, 1968; 8:45 a.m.]

[Docket No. CP68–230]

ST. JOSEPH LIGHT & POWER CO., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

FEBRUARY 28, 1968.

Take notice that on February 19, 1968, St. Joseph Light & Power Co. (Applicant), 520 Francis Street, St. Joseph, Mo. 64502, filed in Docket No. CP68–230 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to extend its natural gas transportation facilities, to establish physical connection of its transmission facilities with the facilities to be constructed by Applicant, and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the city of Barnard and the village of Bolckow, Mo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Respondent be ordered to establish physical connection of its transmission facilities at a point 0.5 mile east of the village of Arkoe, Mo., and to sell and deliver to Applicant at such point volumes of natural gas for resale and distribution by means of facilities to be constructed by Applicant in Barnard and Bolckow, Mo., and environs.

The estimated third year peak day and annual natural gas requirements of Applicant's proposed service are 400 Mcf and 37,000 Mcf, respectively. The sale and delivery is requested by Applicant to be rendered under Respondent's SGS–1 rate schedule.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 27, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–2721; Filed, Mar. 5, 1968; 8:45 a.m.]

[Docket No. CP68–228]

UNITED FUEL GAS CO.

Notice of Application

FEBRUARY 29, 1968.

Take notice that on February 15, 1968, United Fuel Gas Co. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP68–228 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 8.5 miles of 6-inch transmission pipeline as a replacement for approximately 8.3 miles of existing 4-inch transmission pipeline in Monroe County, W. Va., a new measuring station at an existing point of delivery to Atlantic Seaboard Corp. near the State line between Monroe County, W. Va., and Giles County, Va., and two new points of delivery including mainline taps and measuring and regulating facilities, to Columbia Gas of Kentucky, Inc., in Pike County, Ky., and to operate fifteen existing measuring and regulating stations as additional points of delivery to Columbia Gas of Kentucky, Inc., in Johnson, Floyd, and Pike Counties, Kentucky.

The total estimated cost of the proposed facilities is $321,055, which cost is to be financed through the issuance and sale of promissory notes and common stock to The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 28, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-2722; Filed, Mar. 5, 1968; 8:45 a.m.]

[Docket Nos. RI63-312, RI68-383]

ATLANTIC RICHFIELD CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Accepting Rate Increase and Terminating Proceeding in Part; Correction

FEBRUARY 16, 1968.

In order providing for hearing on and suspension of proposed changes in rates, accepting rate increase and terminating proceeding in part, issued January 30, 1968 and published in the FEDERAL REGISTER February 7, 1968 (F.R. Doc. 68-1518), 33 F.R. 2666, Docket Nos. RI63-312 et al., for Docket No. RI68-383: Under column headed "Supp. No.", change footnote " [3] " to read footnote " [2] ".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-2718; Filed, Mar. 5, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

Notice of Filing of Plats of Survey

FEBRUARY 28, 1968.

1. Plats of survey of the lands described below will be officially filed at the Land Office, Boise, Idaho, effective at 10 a.m. on April 3, 1968:

BOISE MERIDIAN, IDAHO

T. 13 N., R. 27 E.
Sec. 17, lots 3 to 6, inclusive.
T. 48 N., R. 2 W.
Sec. 10, lots 6, 7, and 8;
Sec. 11, lots 6 to 15, inclusive.

2. The land in T. 13 N., R. 27 E., is segregated from appropriation under 43 U.S.C. Part 7 (homestead), Part 9 (desert land), 25 U.S.C. section 334 (native allotments) and R.S. 2455 (public sale) by the Lemhi County Multiple-Use Classification No. 11-04-6-67.

3. Portions of lots 6 and 9, sec. 11, T. 48 N., R. 2 W., have been classified for recreation purposes in the Killarney Lake Recreation Area.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the remaining lands in T. 48 N., R. 2 W., are open to the operation of the public land laws. All valid applications received at or prior to 10 a.m. on April 3, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

ORVAL G. HADLEY,
Land Office Manager,
Boise, Idaho.

[F.R. Doc. 68-2724; Filed, Mar. 5, 1968; 8:45 a.m.]

[Serial No. I-2110]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 28, 1968.

The Department of Agriculture has filed an application, Serial No. I-2110 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a recreation area on the Salmon National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort, Boise, Idaho 83702.

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

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

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

SALMON NATIONAL FOREST

State Creek Recreation Area

T. 26 N., R. 21 E., unsurveyed,
Sec. 3.
T. 27 N., R. 21 E., unsurveyed,
Sec. 34.

Beginning at corner No. 8 of Gold Nugget Placer Claim, MS 3303, identical to corner No. 8 of H.E.S. 94, a granite rock 8 by 8 by 6 inches above ground, with an "X" chiseled on top. From the initial point by metes and bounds, N. 86°23' W., 1,052.04 feet to corner No. 7 of H.E.S. 94; N. 86°23' W., 472 feet to corner No. 1, USFS brass cap marked USFS Corner 1 State Creek; N. 15°22' E., 833.67 feet to corner No. 2, USFS brass cap marked USFS Corner 2 State Creek; N. 8°45' W., 657.66 feet to corner No. 3, USFS brass cap marked USFS Corner 3 State Creek; N. 72°29' E., 764.97 feet to corner No. 10, Gold Nugget Placer claim, MS 3303; S. 7°21' E., 277.62 feet to corner No. 9, Gold Nugget Placer claim, MS 3303; S. 22°52' E., 1,634.23 feet to corner No. 8, H.E.S. 94, the place of beginning.

The area described aggregates 38.24 acres in Lemhi County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 68-2725; Filed, Mar. 5, 1968; 8:46 a.m.]

[N-656]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands; Amendment

FEBRUARY 28, 1968.

A notice of proposed withdrawal and reservation of lands by the Forest Service, U.S. Department of Agriculture, was published as F.R. Doc. 67-1571, page 2789, of the issue for February 10, 1967. The Forest Service has requested that the first paragraph of said notice be amended to read as follows:

The Forest Service, U.S. Department of Agriculture, has filed the above application for the withdrawal of the lands described below from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 68-2726; Filed, Mar. 5, 1968; 8:46 a.m.]

OREGON

Notice of Filing of Protraction Diagrams

FEBRUARY 28, 1968.

Notice is hereby given that effective at and after 10 a.m. on April 4, 1968, the following protraction diagrams are officially filed of record in the Oregon Land

Office, 729 Northeast Oregon Street, Portland, Oreg. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized uses. Until this date and time, the diagrams have been placed in open files and are available to the public for information only.

WILLAMETTE MERIDIAN

PROTRACTION DIAGRAM NO. 1, APPROVED OCTOBER 25, 1965

T. 39 S., R. 10 W.,
Secs. 4 to 9, inclusive, and secs. 16 to 36, inclusive.
T. 39 S., R. 11 W.
T. 40 S., Rs. 10 and 11 W.
T. 40 S., R. 12 W.,
Excepting surveyed areas in secs. 18, 31, 33, 34, and 35.

PROTRACTION DIAGRAMS NOS. 3 AND 20, APPROVED NOVEMBER 8, 1965

No. 3

T. 9 S., R. 37 E.,
Secs. 1 to 18, inclusive, excepting surveyed areas in secs. 4, 5, 6, 8, 9, 17, and 18.

No. 20

Tps. 6 and 7 S., R. 37 E.

PROTRACTION DIAGRAMS NOS. 5, 14, AND 31, APPROVED OCTOBER 25, 1965

No. 5

T. 20 S., R. 11 W.,
Secs. 10 to 15, inclusive, and secs. 24 and 25, excepting surveyed areas in secs. 10, 12, 15, and 25.

No. 14

T. 18 S., R. 11 W.,
Sec. 25, and unsurveyed areas in secs. 24, 26, 28, 33, 34, 35, and 36.

No. 31

T. 21 S., R. 11 W.,
Secs. 25 and 36, excepting surveyed areas.

PROTRACTION DIAGRAMS NOS. 6 AND 15, APPROVED OCTOBER 25, 1965

No. 6

T. 30 S., R. 12 E.
T. 30 S., R. 13 E.,
Secs. 1 to 13, inclusive, and secs. 17 to 20, inclusive, excepting surveyed areas in secs. 13 and 20.

No. 15

T. 33 S., R. 16 E.,
Secs. 1 to 36, inclusive, excepting surveyed area in sec. 1.

PROTRACTION DIAGRAMS NOS. 12 AND 13, APPROVED NOVEMBER 15, 1965

No. 12

T. 36 S., R. 12 W.,
Secs. 1 to 36, inclusive, excepting surveyed areas in sec. 2.
T. 36 S., R. 12½ W.
T. 36 S., R. 13 W.,
Secs. 22 to 29, inclusive, and secs. 32 to 36, inclusive, excepting surveyed areas in secs. 22, 24, and 29.
T. 37 S., R. 11 W.,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 37 S., R. 12 W.,
Secs. 1 to 36, inclusive, excepting surveyed area in sec. 31.
T. 37 S., Rs. 12½ and 13 W.
T. 37½ S., Rs. 11 and 12 W.

No. 13

T. 36 S., R. 13 W.,
Secs. 1, 2, 11, and 12, excepting surveyed areas.

PROTRACTION DIAGRAMS NOS. 10, 32, AND 18, APPROVED DECEMBER 10, 1965

No. 10

T. 1 N., R. 19 E.,
Secs. 17 and 20, excepting surveyed areas.

No. 32

T. 1 N., R. 19 E.,
Secs. 25 and 36, excepting surveyed areas.

No. 18

T. 12 S., R. 18 E.,
Secs. 13, 24, 25, 26, 35, and 36, excepting surveyed areas in secs. 13 and 26.

PROTRACTION DIAGRAMS NOS. 16 AND 17, APPROVED DECEMBER 10, 1965

No. 16

T. 31 S., R. 16 E.,
Secs. 4, 5, 8, 9, 16, 17, 21, 28, and 33, excepting surveyed areas in secs. 4, 5, 17, and 33.

No. 17

T. 29 S., R. 14 E.,
Secs. 26, 27, 34, and 35, excepting surveyed areas.

PROTRACTION DIAGRAM NO. 7, APPROVED JANUARY 20, 1966

T. 1 N., R. 7 E.
T. 1 N., R. 8 E.,
Secs. 1 to 24, inclusive, and secs. 26 to 35, excepting surveyed areas in secs. 24, 32, 33, and 35.
T. 2 N., R. 7 E.,
Sec. 13, secs. 22 to 27, inclusive, sec. 29, and secs. 31 to 36, inclusive, excepting surveyed areas in secs. 13, 22, 23, 29, and 31.
T. 1 S., R. 7 E.
T. 1 S., R. 8 E.,
Secs. 6, 7, 18, 19, and 30, excepting surveyed area in sec. 30.

PROTRACTION DIAGRAM NO. 4 (3 SHEETS), APPROVED APRIL 21, 1966

T. 15 S., Rs. 5 and 6 E.
T. 15 S., R. 7 E.,
Secs. 19 to 36, inclusive.
T. 15 S., R. 7½ E.
T. 15 S., R. 8 E.,
Secs. 2 to 36, inclusive.
T. 16 S., R. 5 E.,
Secs. 1 to 12, inclusive, sec. 18, secs. 25 and 26, and secs. 33 to 36, inclusive, excepting surveyed areas in secs. 12, 18, 26, and 33.
T. 16 S., R. 7 E.,
Secs. 13 to 36, inclusive, excepting surveyed area in sec. 18.
T. 16 S., R. 8 E.,
Secs. 3 and 4, secs. 8, 9, and 10, secs. 15 to 22, inclusive, secs. 27 to 34, inclusive, excepting surveyed area in sec. 18.
T. 16 S., R. 8½ E.
T. 17 S., Rs. 5, 6, 6½, 7, and 8 E.
T. 17 S., R. 9 E.,
Secs. 19, 20, 29, and 30.
T. 18 S., Rs. 5, 6, and 6½ E.
T. 19 S., Rs. 5½ and 6 E.
T. 20 S., Rs. 5½ and 6 E.
Tps. 21 and 22 S., R. 5½ E.
T. 23 S., R. 3 E
Secs. 12, 13, and 24, excepting surveyed areas.
T. 23 S., R. 4 E.,
Secs. 1 to 30, inclusive, excepting surveyed areas in secs. 6, 25, 26, 27, 28, 29, and 30.
T. 23 S., R. 5 E.,
Secs. 1 to 30, inclusive, secs. 32 to 36, inclusive, excepting surveyed areas in secs. 30, 32, 33, and 34.
T. 23 S., Rs. 5½ and 6 E.
T. 24 S., R. 5½ E.,
Secs. 1 to 5, inclusive, excepting surveyed areas.
T. 24 S., R. 6 E.,
Secs. 3, 4, 5, 6, and 10, excepting surveyed areas in secs. 5, 6, and 10.

PROTRACTION DIAGRAMS NOS. 33 AND 39, APPROVED JUNE 8, 1966

No. 33

T. 4 S., R. 11 E.,
Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 30 and 31, excepting surveyed areas in secs. 5, 20, and 31.

No. 39

T. 2 S., Rs. 8, 8½, and 9 E.

PROTRACTION DIAGRAMS NOS. 40, 41, AND 42 (3 SHEETS), APPROVED JULY 15, 1966

No. 40

T. 6 S., Rs. 8 and 8½ E.
Tps. 7 and 8 S., Rs. 7, 8, 8½, and 9 E
T. 9 S., R. 7 E.,
Secs. 1 to 19, inclusive, and secs. 21 to 36, inclusive.
T. 10 S., Rs. 8 and 8½ E.
T. 11 S., R. 5 E.,
Secs. 1 to 24, inclusive, sec. 26, and secs. 29 to 32, inclusive.
T. 11 S., R. 7½ E.
T. 11 S., R. 8 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 1, 2, 3, 4, 5, 9, and 10.
T. 11 S., R. 9 E.,
Secs. 6 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 28 to 35, inclusive, excepting surveyed areas in secs. 6, 7, 8, 17, 20, 28, 29, 33, 34, and 35.
T. 12 S., R. 5 E.,
Secs. 1 to 30, inclusive.
T. 12 S., R. 6 E.,
Secs. 1 to 30, inclusive.
T. 12 S., R. 7 E.,
Secs. 1 to 27, inclusive, secs. 29 and 30, and secs. 34 to 36, inclusive.
T. 12 S., Rs. 7½ and 8 E.
T. 13 S., R. 7 E.,
Secs. 1, 2, 3, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34 to 36, inclusive.
T. 13 S., R. 7½ E.,
Secs. 1 to 4, inclusive, secs. 9 to 16, inclusive, and secs. 21, 28, and 33.
T. 13 S., R. 8 E.,
Secs. 4 to 9, inclusive.
T. 14 S., R. 7 E.,
Secs. 1, 2, and 3, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34, 35, and 36.

No. 41

T. 6 S., R. 9 E.,
Secs. 24, 25, and 36, excepting surveyed areas.
T. 6 S., R. 10 E.,
Secs. 1 to 23, inclusive, and secs. 26 to 35, inclusive.

No. 42

T. 5 S., R. 10 E.,
Secs. 21, 27, 28, 32, 33, and 34, excepting surveyed areas.

PROTRACTION DIAGRAMS NOS. 8 AND 44, APPROVED JULY 28, 1966

No. 8

T. 13 S., R. 24 E.,
Secs. 25 to 36, inclusive.
T. 13 S., R. 25 E.,
Secs. 25 to 36, inclusive.

No. 44

T. 14 S., R. 30 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 6, 7, 8, 17, 18, 19, 20, 29, 30, and 31.

PROTRACTION DIAGRAMS NOS. 34, 35, 36, 45, 46, AND 47 (3 SHEETS), APPROVED AUGUST 23, 1966

No. 34

T. 26 S., R. 8 E.,
Secs. 1, 2, and 3, secs. 10 to 15, inclusive, secs. 22 to 27, inclusive, and secs. 34, 35, and 36.

T. 27 S., R. 8 E.,
Secs. 1, 2, and 12, excepting surveyed area in sec. 12.

No. 35

T. 24 S., R. 4 E.,
Secs. 31 to 36, inclusive, excepting surveyed areas.
T. 25 S., R. 4 E.
T. 25 S., R. 5 E.,
Secs. 2 to 36, inclusive, excepting surveyed areas in secs. 2 and 3.
T. 25 S., R. 5½ E.,
Secs. 8 to 17, inclusive, secs. 20 to 29, inclusive, and secs. 32 to 36, inclusive, excepting surveyed areas in secs. 8, 9, 10, 11, and 12.
T. 25 S., R. 6 E.,
Sec. 7, and secs. 14 to 36, inclusive, excepting surveyed areas in secs. 7, 14, 15, 24, and 25.
T. 25½ S., Rs. 4, 5, 6, and 6½ E.
T. 26 S., Rs. 4, 5, 6, and 6½ E.
T. 26 S., R. 7 E.,
Secs. 6, 7, and 8, secs. 17 to 20, inclusive, and secs. 28 to 33, inclusive, excepting surveyed areas in secs. 8, 17, 28, and 33.
T. 27 S., Rs. 4 and 5 E.
T. 27 S., R. 6 E.,
Secs. 1 to 24, inclusive, and secs. 30, 31, and 32, excepting surveyed areas in secs. 30, 31, and 32.
T. 27 S., R. 6½ E.,
Secs. 1 to 18, inclusive, excepting surveyed areas in secs. 13 and 14.
T. 27 S., R. 7 E.,
Secs. 4 to 10, inclusive, and secs. 15 to 20, inclusive, excepting surveyed areas in secs. 10 and 15.
T. 28 S., Rs. 4, 5, 5½, and 6 E.
T. 29 S., R. 5 E.,
Secs. 7 to 36, inclusive, excepting surveyed areas in secs. 7, 8, 9, 10, 11, 12, 18, 19, 30, and 31.
T. 29 S., Rs. 5½ and 6 E.
T. 30 S., R. 5 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 6, 7, 18, 19, 30, and 31.
T. 30 S., Rs. 5½ and 6 E.
T. 30 S., R. 7 E.,
Secs. 5 to 8, inclusive, secs. 17 to 20, inclusive, and secs. 29 to 32, inclusive.
T. 31 S., R. 5 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 6, 7, 18, 19, 30, and 31.
T. 31 S., R. 6 E.
T. 31 S., R. 7 E.,
Secs. 6, 7, 18, 19, 30, and 31, excepting surveyed areas.
T. 32 S., R. 5 E.
T. 32 S., R. 6 E.,
Secs. 1 to 36, inclusive, excepting surveyed area in sec. 36.
T. 32 S., R. 7 E.,
Secs. 6, 7, 18, 19, 30, and 31, excepting surveyed areas.
T. 33 S., R. 5 E.
T. 33 S., R. 6 E.,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 34 S., R. 5 E.
T. 35 S., R. 5 E.,
Secs. 1 to 18, inclusive, secs. 22 to 27, inclusive, and secs. 34 to 36, inclusive.

No. 36

T. 28 S., R. 7 E.,
Secs. 5, 6, and 7, excepting surveyed areas in secs. 5 and 7.

No. 45

T. 35 S., R. 6 E.,
Secs. 25 and 36, except surveyed areas.
T. 36 S., R. 6 E.,
Secs. 1, 2, 11, 12, 13, and 24, except surveyed areas.

No. 46

T. 36 S., R. 4 E.,
Secs. 34 and 35, except surveyed areas.

No. 47

T. 35 S., R. 5 E.,
Secs. 31, 32, and 33, except surveyed areas.
T. 36 S., R. 5 E.,
Secs. 4, 5, 6, 8, and 9, except surveyed areas.

PROTRACTION DIAGRAMS NOS. 2, 37, AND 38 (3 SHEETS), APPROVED SEPTEMBER 14, 1966

No. 2

T. 1 N., R. 49 E.
T. 1 N., R. 50 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 1, 11, 12, 14, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, 35, and 36.
T. 1 N., R. 51 E.,
Secs. 4 to 8, inclusive, and secs. 17 to 19, inclusive, excepting surveyed areas in secs. 6 and 7.
T. 2 N., R. 49 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 5, 8, 17, and 20.
T. 1 S., R. 50 E.,
Secs. 2 to 11, inclusive, secs. 15 to 22, inclusive, and secs. 28 to 33, inclusive, excepting surveyed areas in secs. 16, 19, 21, 22, 28, and 31.
T. 2 S., R. 49 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 1, 2, 11, and 13.
T. 2 S., R. 50 E.,
Secs. 4 to 8, inclusive, and secs. 18 and 19, excepting surveyed areas in secs. 5, 6, and 18.
T. 3 S., R. 49 E.,
Secs. 2 to 11, inclusive, secs. 14 to 23, inclusive, and secs. 26 to 34, inclusive, excepting surveyed areas in secs. 10 and 11.
T. 4 S., R. 43 E.
T. 4 S., R. 44 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 2, 3, 4, 10, 11, 14, and 15.
T. 4 S., R. 45 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 16 and 21.
T. 4 S., R. 47 E.
T. 4 S., R. 49 E.,
Secs. 4 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 28 to 32, inclusive, excepting surveyed areas in secs. 4, 9, and 32.
T. 5 S., R. 42 E.,
Secs. 1, 12, and 13, excepting surveyed area in sec. 13.
T. 5 S., R. 43 E.
T. 5 S., R. 44 E.,
Secs. 1 to 36, inclusive, excepting surveyed area in sec. 12.
T. 5 S., R. 45 E.,
Secs. 1 to 36, inclusive, excepting surveyed area in sec. 7.
T. 5 S., Rs. 46 and 47 E.
T. 5 S., R. 48 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 13, 14, 23, 24, 35, and 36.
T. 5 S., R. 49 E.,
Secs. 4 to 9, inclusive, secs. 17 to 20, inclusive, and sec. 30, excepting surveyed areas in secs. 5, 8, 17, 19, and 20.
T. 6 S., R. 44 E.,
Secs. 1 to 6, inclusive, and secs. 8 to 11, inclusive, excepting surveyed areas in secs. 8, 9, 10, and 11.
T. 6 S., R. 45 E.,
Secs. 4, 5, 8, 9, 16, 17, 20, and 21, excepting surveyed areas in secs. 4, 9, 16, 17, 20, and 21.
T. 6 S., R. 47 E.

No. 37

T. 2 N., R. 50 E.,
Secs. 3 to 10, inclusive, secs. 15 to 22, inclusive, and secs. 27 to 34, inclusive, excepting surveyed areas in secs. 3 and 10.

No. 38

T. 2 N., R. 51 E.,
Secs. 7, 17, and 18.

PROTRACTION DIAGRAMS NOS. 21 AND 22, APPROVED SEPTEMBER 21, 1966

No. 21

T. 35 S., R. 18 E.,
Secs. 1, 12, 13, and 24, excepting surveyed area in sec. 24.
T. 35 S., R. 19 E.,
Secs. 19, 29, 30, 31, and 32, excepting surveyed areas in secs. 19 and 29.

No. 22

T. 36 S., R. 20 E.,
Secs. 30, 31, and 32, excepting surveyed areas in secs. 30 and 32.
T. 37 S., R. 20 E.,
Secs. 5, 6, 7, 8, and 18.

PROTRACTION DIAGRAMS NOS. 23, 24, AND 25, APPROVED OCTOBER 12, 1966

No. 23

T. 38 S., R. 19 E.,
Secs. 4 to 9, inclusive, excepting surveyed area in sec. 9.

No. 24

T. 36 S., R. 15 E.,
Secs. 1 to 5, inclusive, and secs. 9 to 13, inclusive.
T. 36 S., R. 16 E.,
Secs. 4 to 9, inclusive.

No. 25

T. 38 S., R. 14 E.,
Secs. 14, 15, 22, and 23, excepting surveyed areas.

PROTRACTION DIAGRAMS NOS. 27 AND 28, APPROVED OCTOBER 4, 1966

No. 27

T. 2 N., R. 38 E.,
Secs. 1 to 4, inclusive, and secs. 9 to 12, inclusive.

No. 28

T. 3 N., R. 43 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 4, 5, 6, 7, and 8.

PROTRACTION DIAGRAMS NOS. 19 AND 26, APPROVED OCTOBER 12, 1966

No. 19

T. 11 S., R. 35½ E.,
Secs. 1 to 3, inclusive, secs. 9 to 16, inclusive, secs. 21 to 28, inclusive, and secs. 33 to 36, inclusive, excepting surveyed areas in secs. 27, 28, 33, and 34.
Tps. 12 and 13 S., R. 35½ E.

No. 26

T. 2 S., R. 44 E.,
Secs. 19, 20, 29, 30, 31, and 32, excepting surveyed areas in secs. 19 and 20.

PROTRACTION DIAGRAMS NOS. 29 AND 30, APPROVED NOVEMBER 4, 1966

No. 29

T. 4 N., R. 45 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 7, 17, 18, 19, 20, 23, 26, 27, and 34.

No. 30

T. 4 N., R. 47 E.
T. 5 N., R. 47 E.,
Secs. 1 to 36, inclusive, excepting surveyed areas in secs. 2, 11, 12, 13, 14, 22, 23, 25, and 36.
T. 5 N., R. 48 E.,
Secs. 6, 7, 18, 19, and 20, and secs. 28 to 34, inclusive, excepting surveyed areas in secs. 7, 18, 29, 32, and 33.

PROTRACTION DIAGRAM NO. 43, APPROVED DECEMBER 22, 1966

T. 6 S., R. 12 E.,
Secs. 15, 23, and 24, excepting surveyed areas.
T. 6 S., R. 13 E.,
Secs. 20, 21, and 22, and secs. 25 to 36, inclusive, excepting surveyed areas in secs. 20, 21, 22, 25, 26, 27, 29, 30, and 36.

T. 6 S., R. 14 E.,
Secs. 28, 29, 32, and 33, excepting surveyed areas.

PROTRACTION DIAGRAM NO. 49, APPROVED MARCH 6, 1967

T. 4 N., R. 50 E.,
Secs. 31, 32, and 33, excepting surveyed areas in secs. 31 and 32.

Copies of these diagrams are for sale at two dollars ($2.00) each by the Manager, Land Office, Post Office Box 2965, Portland, Oreg. 97208.

IRVING W. ANDERSON,
Manager, Land Office,
Portland, Oregon.

[F.R. Doc. 68-2727; Filed, Mar. 5, 1968; 8:46 a.m.]

[Oregon 018652]

OREGON

Order Providing for Opening of Public Lands

FEBRUARY 28, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

T. 40 S., R. 3 E.,
Sec. 10, lots 2, 3, S½NE¼, SE¼NW¼.

The areas described aggregate 209.20 acres.

2. The lands are located in Jackson County in southwestern Oregon in an area of high rainfall with yearly precipitation up to 45 inches. The lands support a growth of young Douglas fir and other associated minor species, and are not suitable for farming.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m., April 4, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals, Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-2728; Filed, Mar. 5, 1968; 8:46 a.m.]

[OR 2999 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 26, 1968.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 2999 (Wash.), for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires to set aside the Newhah and Fish Creek Recreation Areas and the Flick Creek and Elephant Rock Campgrounds for recreation, protection, and administration of the Wenatchee National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2695, Portland, Oreg. 97208.

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

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

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

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

The lands involved in the application are:

WENATCHEE NATIONAL FOREST

WILLAMETTE MERIDIAN

Newhah Recreation Area

T. 32 N., R. 18 E.,
Sec. 6, lot 6;
Sec. 7, lot 1.

Flick Creek Campground

T. 32 N., R. 13 E.,
Sec. 17, lot 3.

Fish Creek Recreation Area

T. 32 N., R. 18 E.,
Sec. 28, lot 3.

Elephant Rock Campground

T. 32 N., R. 18 E.,
Sec. 32, lots 3 and 4.

The areas described aggregate 184.65 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 68-2729; Filed, Mar. 5, 1968; 8:46 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 28, 1968.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, serial No. S 1340, for the withdrawal of land described below, from all forms of appropriation or disposition under the public land laws, including the mining laws but not the mineral leasing laws.

The applicant desires the land for the continuation of, and is a part of, the overall Central Valley Project development plan.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

PASKENTA-NEWVILLE UNIT

Paskenta Reservoir Area

T. 23 N., R. 7 W.,
Sec. 2, lots 3, 4, S½NW¼, and S½;
Sec. 10, E½NW¼;
Sec. 12, lot 3;
Sec. 14, SE¼SW¼;
Sec. 22, NE¼NE¼.

Newville Reservoir Area

T. 22 N., R. 6 W.,
Sec. 19, lots 1, 2, 3, and 4, and E½W½;
Sec. 30, lots 1, 2, 3, and 4, W½NE¼, E½W½, and SW¼SE¼;
Sec. 31, lot 1, NW¼NE¼ and NE¼NW¼.

T. 22 N., R. 7 W.,
Sec. 1, lots 3 and 4, S½NW¼, N½SW¼, and SE¼SW¼;
Sec 12, NW¼NE¼.
T. 23 N., R. 7 W.,
Sec. 26, E½SE¼.

The areas described aggregate approximately 1,953 acres in Glenn and Tehama Counties.

The applicant agency desires the withdrawal of the following described land from location and entry under the mining laws but not the mineral leasing laws, as this land is patented, having been patented under the Stockraising Homestead Act of December 29, 1916 (39 Stat. 862), as amended, with a reservation of all minerals to the United States.

MOUNT DIABLO MERIDIAN

T. 23 N., R. 7 W.,
Sec. 10, S½S½.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 68-2780; Filed, Mar. 5, 1968; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

March 1968 Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.s.t., on February 29, 1968, and, subject to amendment, continuing until superseded by the April Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, tung oil, butter, cheese, and nonfat dry milk.

No change is being made in commodities listed.

Information on the availability of commodities stored in Commodity Credit Corporation bin sites may be obtained from ASCS State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sale, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3 or 4) for March 1968 are 6 percent for U.S. bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales program include wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, tobacco, cottonseed oil, soybean oil, dairy products, tallow, and beef breeding cattle. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM–4.

Information on the CCC Export Credit Sales program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland and extra long staple), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. (In addition, free market stocks of corn, grain sorghum, oats, wheat, and wheat flour, under Announcement PS–1; tobacco under Announcement PS–3; and cottonseed oil and soybean oil under Announcement PS–2 are eligible for programing in connection with barter contracts covering procurements for Federal agencies that will reimburse CCC except that Hard Red Winter, Hard Red Spring, and durum wheats, and flour produced from those wheats, may not be exported through west coast ports, nor may Hard Red Winter wheat 13 percent or higher protein be exported from gulf coast ports under announcement of Jan. 2, 1968, pertaining to quality incremental subsidy.) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly

engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits, the exportation or reexportation by anyone or any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10 (c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1967 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel, in-store).*[1]

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.16	$0.13½	Minneapolis—No. 1 DNS ($1.55) 115 percent +$0.13½; $1.92½. Portland—No. 1 SW ($1.44) 115 percent +$0.13½; $1.79½. Kansas City—No. 1 HRW ($1.43) 115 percent +$0.13½; $1.78½. Chicago—No. 1 RW ($1.47) 115 percent +$0.13½; $1.83½.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR–345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS Branch Office from which the purchase was made with a Notice of Sale containing the same information as required by exporters who wish to receive an export payment under GR–345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR–261 (Revision III, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports nor will evidence of export at west coast ports be acceptable under a sale for barter.

C. Announcement GR–262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, sales for barter will not be made at west coast ports nor will evidence of export from west coast ports be acceptable under a sale for barter pursuant to this announcement.

D. CCC will not sell wheat under Announcement GR–346 until further notice.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1967 price-support loan rate[2] for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1967 price support rate[2] (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store[1] basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
$0.11½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.08+$0.02½) 115 percent +$0.11½; $1.39½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. ($1.08+$0.02½ +$0.19): 105 percent +$0.11½; $1.47½.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

Export. Corn from CCC inventory is not available for export sale.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support loan rate[2] for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1967 price-support rate[2] (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight. In-store[1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
0.19¾	$0.15¼	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.59) 115 percent +$0.19¾; $2.02¾. Kansas City, Mo. (ex-rail) ($1.85) 115 percent +$0.15¼; $2.28¼. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.59+$0.34); 105 percent +$0.19¾; $2.22¾. Kansas City, Mo. (ex-rail) ($1.85 +$0.34); 105 percent +$0.15¼; $2.45¼.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1967 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966, and for cash or other designated sales.

Available. Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support rate [2] for the class, grade, and quality of the barley plus the applicable markup.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.16	$0.13½	Cass County, N. Dak. ($0.87); 115 percent +$0.16 $1.17. Minneapolis, Minn. (ex-rail) ($1.10); 115 percent +$0.13½; $1.40½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1967 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Kansas City, Evanston, Portland, and Minneapolis grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than 115 percent of the applicable 1967 price-support rate [2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store [1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.16	Redwood County, Minn. ($0.60+$0.03 quality differential); 115 percent +$0.16; $0.89.

C. *Nonstorable.* At not less than the market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1967 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements.

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 115 percent [2] of the applicable 1967 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel-in-store [1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.16	$0.13½	Rolette County, N. Dak. ($0.90); 115 percent +$0.16; $1.20. Minneapolis, Minn. (ex-rail) ($1.23); 115 percent +$0.13½; $1.55½.

C. *Nonstorable.* At not less than market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1967 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revision 2, Mar. 1, 1965, as amended), for export commodity certificate redemption.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1967 loan rate plus 5 percent plus 0.34 cent per hundredweight, basis in store.

Export. As milled or brown under Announcement GR–369, Revision III, as amended, Rice Export Program.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO–C–32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the current loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC which will in no event be less than 120 points (1.2 cents per pound) above the loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcement CN–EX–28 (Acquisition of Upland Cotton for Export under the Barter Program) and NO–C–31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO–C–6. (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC Sales for export.* Competitive offers under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

C. *Barter.* Competitive offers under the terms and conditions of Announcement CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO–C–20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office. Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED OR FARMERS STOCK

When stocks are available in their area of responsibility, the quantity, type, and grade offered and whether for restricted or unrestricted use are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

A. *Restricted use sales.* Announcement PR–1 as amended, and the lot list contain terms and conditions of sales restricted to domestic crushing or export.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock peanuts may be purchased for domestic crushing or for export of U.S. No. 1 or better shelled peanuts. All peanuts of less than U.S. No. 1 quality must be crushed domestically.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization & Conservation Service, Washington, D.C., 20250, to which all bids are submitted.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Associations Division, Agricultural Stabilization & Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitation to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-4 of April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8-3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Domestic market price but not less than the applicable 1967 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store* [1]).

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.18	*Cents* $0.13¾	Minneapolis...	No. 1.....	$3.43¼

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products:

Submission of offers. Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 21.60 cents per pound packed in 100-pound bags and 21.85 cents per pound packed in 50-pound bags.

Export. Announced prices, under MP-23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP-14: 49.125 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 48.125 cents per pound.

FOOTNOTES

[1] The formula price delivery basis for binsite sales will be f.o.b.

[2] Round product up to the nearest cent.

USDA-AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway, (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export), California (domestic only).

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill. 60202. Telephone: Long Distance—Area Code 312, 353-6581, Local—353-6581 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg. 97205. Telephone: 226-3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334-3200.

COTTON OFFICE—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y. 10013. Telephone: 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: 556-6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Federal Building and U.S. Courthouse, 1821 University Avenue, St. Paul, Minn. 55104. Telephone: Area Code 612, 228-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hammersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on February 29, 1968.

E. A. JAENKE,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-2782; Filed, Mar. 5, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 184-B]

OFFICE OF FOREIGN DIRECT INVESTMENTS

Organization and Functions

FEBRUARY 16, 1968.

The following order was issued by the Secretary of Commerce on February 16, 1968.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the Office of Foreign Direct Investments.

SEC. 2. *Organization structure.* The organization structure and line of authority of the Office of Foreign Direct Investments shall be as depicted in the attached organization chart.

SEC. 3. *Office of the Director.*

.01 The "Director", as the head of the Office of Foreign Direct Investments (the "Office"), directs and is responsible for all functions of the Office.

.02 The "Deputy Director" assists the Director in the overall management of the Office and performs the functions of the Director during the latter's absence.

.03 The "Assistant Director" assists the Director by analyzing the plans and programs of the Office and their effect on other aspects of the economy here and abroad, and by coordinating where necessary and appropriate or as directed the activities of the Office with other Government agencies.

.04 The "Administrative Officer" shall arrange for and facilitate the provision

of administrative services from the Office of the Secretary as needed by the Office, develop and maintain the internal administrative management system of the Office, and perform specific administrative tasks as directed by the Director or the Deputy.

.05 The "Information Officer" shall provide public information services for the Office as directed by the Director or the Deputy.

SEC. 4. *Policy Review Staff.* The Policy Review Staff shall:

.01 Prepare bulletins for public distribution that provide official interpretations and general authorizations pursuant to the Foreign Direct Investment Regulations (the "Regulations"); and consult with the Legal Division and other components of the Office in the preparation of such bulletins.

.02 In collaboration with the Legal Division, determine the need for and propose amendments to the Regulations.

.03 Review and recommend action on applications from direct investors for specific authorizations or exemptions referred to it by the Authorizations Division because of the novel policy or significant program implications of such applications.

.04 Assess progress towards program goals and propose changes in the regulations and policies as may be indicated to achieve the goals.

SEC. 5. *Legal Division.* The Legal Division shall:

.01 Provide legal interpretations of the regulations, for issuance as interpretative bulletins or as otherwise required.

.02 Participate in determinations of need for amendments to the regulations and prepare such amendments.

.03 Advise on the legal aspects of policy proposals, including internal directives providing basic policy guidance.

.04 Provide legal review of applications from direct investors for specific authorizations or exceptions; and draft or review proposed authorizations.

.05 Review and, as necessary, investigate or arrange for investigation of instances of apparent noncompliance with the regulations, as referred by the divisions of the Office; and initiate appropriate action to achieve compliance.

.06 Provide other legal advice and assistance to the Director and other officers of the Office as may be required.

SEC. 6. *Authorizations Division.* The Authorizations Division shall serve as the principal point of contact for the Office with direct investors except as relates to the submission of base period and quarterly reports. Specifically the Division shall:

.01 Review and recommend action on applications from direct investors for specific authorizations or exemptions, or, as delegated take final action on applications.

.02 Prepare or review proposed answers to questions or problems raised by direct investors.

.03 Review transactions of direct investors that regular reports, findings of compliance examinations, or other information indicate that policy, significant goal impact, or compliance questions are involved; and initiate, in consultation with other appropriate components of the Office, resolution of such questions.

SEC. 7. *Program Reports Division.* The Program Reports Division shall:

.01 Review base period and quarterly reports from direct investors for completeness and adequacy; contact direct investors, as necessary, on these aspects of the reports and on delinquent reports; and maintain primary files of investor reports.

.02 Compile, analyze, and present aggregate statistical data based on direct investor reports and on records of specific authorizations and exceptions granted.

.03 Develop and present reports that measure and analyze progress in achieving balance of payment goals, and which highlight problem areas; and develop data submissions and reporting systems, internal to the Office, required for this purpose.

.04 Upon request, analyze the performance of individual direct investors based on reports received therefrom and other relevant data; and bring to the attention of the Authorizations Division instances where such reports indicate that contact with a direct investor on progress seems indicated.

.05 Serve in advisory role to the Director and other officers of the Office in analyzing and reporting on program progress and problems.

SEC. 8. *Compliance Division.* The Compliance Division shall:

.01 Conduct routine and special audits and investigations to determine whether companies are complying with the requirements of the program.

.02 Assist the Legal Division in fact finding relevant to determinations of noncompliance with the Regulations.

SEC. 9 *Support services.* The Office of the Assistant Secretary for Administration shall provide personnel, budget, finance, and administrative services to the Office.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68-2715; Filed, Mar. 5, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BAKER CASTOR OIL CO.

Notice of Filing of Petition for Food Additive Detoxified Castor Seed Meal

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by The Baker Castor Oil Co., 40 Avenue A, Bayonne, N.J. 07002, proposing the issuance of a food additive regulation to provide for the safe use of detoxified castor seed meal as a protein supplement in ruminant feed in an amount not to exceed 15 percent of the total ration.

Dated: February 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2767; Filed, Mar. 5, 1968; 8:49 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Withdrawal of Petition for Food Additives

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Eastman Chemical Products, Inc., Kingsport, Tenn. 37660, has withdrawn its petition (FAP 4B1473), notice of which was published in the FEDERAL REGISTER of March 1, 1966 (31 F.R. 3266), proposing the issuance of a regulation to provide for the safe use of the following pigments as components of polyolefin food-contact articles: Pigment blue 15, pigment green 7, pigment green 17, pigment violet 19, and pigment white 21.

Dated: February 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2768; Filed, Mar. 5, 1968; 8:49 a.m.]

JOHN I. HAAS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2262) has been filed by John I. Haas, Inc., Post Office Box 1441, Yakima, Wash. 98901, proposing an amendment to § 121.1043 *Isopropyl alcohol* to provide for the safe use of isopropyl alcohol as a solvent in the extraction of hops. A tolerance is proposed of 2 percent by weight of isopropyl alcohol in the hops extract to be used in the production of malt beverages.

Dated: February 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2769; Filed, Mar. 5, 1968; 8:49 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2265) has been filed by Shell Chemical Co., 113 West 52d Street, New York, N.Y. 10019, proposing the issuance of a regulation to provide for the safe use of tetrahydrophthalic anhydride as a curing agent for epoxy resins used as articles or components of articles intended for repeated food-contact use.

Dated: February 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-2770; Filed, Mar. 5, 1968; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DIRECTOR, MODEL CITIES ADMINISTRATION

Designation

The officers appointed to the following listed positions are hereby designated to serve as Acting Director, Model Cities Administration, during the absence of the Director, Model Cities Administration, with all the powers, functions, and duties redelegated or assigned to the Director: *Provided*, That no officer is authorized to serve as Acting Director, Model Cities Administration, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Director, Model Cities Administration.
2. Assistant Director for Program Development and Evaluation, Model Cities Administration.
3. Assistant Director for Technical Review and Assistance, Model Cities Administration.

(Redelegations of authority by Assistant Secretary for Demonstrations and Intergovernmental Relations effective Nov. 27, 1967 (32 F.R. 17496, Dec. 6, 1967).)

Effective date. This designation shall be effective as of March 6, 1968.

WALTER G. FARR, Jr.,
Director, Model Cities Administration.

[F.R. Doc. 68-2763; Filed, Mar. 5, 1968; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-276]

GEORGIA INSTITUTE OF TECHNOLOGY

Notice of Issuance of Amended Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 9, 1968 (33 F.R. 2803), the Commission has issued, in the form set forth in that notice, Amendment No. 1 to Construction Permit No. CPRR-100 to the Georgia Institute of Technology (GIT).

The amended permit authorizes GIT to reconstruct, on its campus in Atlanta, the Model AGN-201, Serial No. 104, nuclear reactor which was acquired from The University of Akron in Akron, Ohio.

Dated at Bethesda, Md., this 27th day of February 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-2713; Filed, Mar. 5, 1968; 8:45 a.m.]

[Docket No. 50-192]

UNIVERSITY OF TEXAS

Notice of Issuance of Facility License Amendment

No request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Amendment No. 3 to Facility License No. R-92. The license previously authorized The University of Texas to operate its TRIGA Mark I pool-type nuclear reactor on the campus at Austin, Texas, at power levels up to 10 kwt. The amendment authorizes The University to operate the reactor at power levels up to 250 kwt, in accordance with Technical Specifications incorporated into the amended license.

The license amendment was issued in the form published with the Notice of Proposed Issuance of Facility License Amendment in the FEDERAL REGISTER on February 2, 1968, 33 FR 2535.

Dated at Bethesda, Md., this 20th day of February 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-2714; Filed, Mar. 5, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19624]

BRITISH EAGLE AVIATION LTD.

Notice of Prehearing Conference

Application for a foreign air carrier permit to engage in charter (including inclusive tour and circle tour charters) foreign air transportation of persons and their accompanied baggage and charter foreign air transportation of property: (a) Between points in the 48 contiguous States of the United States of America, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia as far east as (and including) India, on the other hand. (b) Between any point or points in the United States and any point or points in the Caribbean.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 12, 1968, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Hyman Goldberg.

Dated at Washington, D.C., March 1, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-2752; Filed, Mar. 5, 1968; 8:48 a.m.]

[Docket No. 18650; Order E-26446]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

MARCH 1, 1968.

Issued under delegated authority.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated February 12, 1968, as set forth in the attachment hereto, names additional specific commodity rates which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, *It is ordered*, That:

Agreement CAB 19703, R-78 through R-81, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten 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.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-2753; Filed, Mar. 5, 1968; 8:48 a.m.]

[Docket No. 19631; Order E-26430]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause

FEBRUARY 29, 1968.

Issued under delegated authority.

By petition filed on February 23, 1968, the Postmaster General petitioned the Board to establish for Sedalia, Marshall, Boonville Stage Line, Inc., (Stage Line), an air taxi operator, a final service mail rate of 34.9 cents per great circle mile for the transportation of mail by aircraft between Cheyenne, Wheatland, and Newcastle, Wyo.

The Postmaster General states that Stage Line is an air taxi operator under Part 298 of the Board's economic regulations, and has authorized the Postmaster General to petition on its behalf for the proposed rate. Stage Line will use twin engine Piper Aztec type aircraft in providing the mail service. The Postmaster General points out there are no certificated route carriers in this market, the cities are not connected by direct rail services, and the highway distance is too great to permit effective overnight exchange and delivery of mail between them.

The Postmaster General also states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. The Postmaster General believes these services will meet postal needs in this market.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Stage Line 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 petition and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., 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 between Cheyenne, Wheatland, and Newcastle, Wyo., as described in the petition, shall be 34.9 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its 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., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Stage Line, 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 rate 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 ten days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, 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 rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate 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., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-2754; Filed, Mar. 5, 1968; 8:48 a.m.]

[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, Part 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).

[Docket No. 18745; Order E-26448]

CERTAIN FOREIGN AIR CARRIERS

Order Denying Petition and Granting Waiver

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March, 1968.

Petition of Twelve Foreign Air Carriers relating to Part 389 as amended and reissued by Regulation No. OR-27.

On February 29, 1968, twelve foreign air carriers filed a joint telegraphic request for leave to file petitions for reconsideration of Regulation OR-27 (Part 389 of the Organization Regulations). Pending disposition of their petitions, the carriers ask the Board to stay the regulation's effectiveness insofar as § 389.25 (p) "would in any way apply so as to require foreign air carriers to pay fees or charges * * * for filing tariffs." The carriers assert, among other things, that the rule will require them to pay filing fees for a substantial portion of foreign carriers' tariff filings.

It appears that § 389.25(p) will subject foreign carriers to filing fees for changes in mixed foreign-U.S. carrier tariff pages, even though those changes may relate solely to foreign air carrier rates. To allow additional consideration, the Board will temporarily waive the provisions of Part 389, insofar as they will otherwise require foreign air carriers to pay fees for tariff filings.

In view of our action above, it is unnecessary to grant the carriers' requests for a stay. Instead of granting leave to file petitions for reconsideration, we invite the carriers to submit petitions for rule making within 30 days. Accordingly,

It is ordered:

1. That pursuant to § 389.23 of the Organization Regulations, the Board hereby waives the provisions of Part 389, insofar as they will otherwise require foreign air carriers to pay fees for filing tariffs (including supplements and revised or additional original pages thereto);

2. That such waiver shall expire on May 1, 1968, unless the Board orders otherwise; and

3. That, except as provided above, the petitioners' requests for a stay, and for leave to file petitions for reconsideration, are hereby denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-2755; Filed, Mar. 5, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18035; FCC 68-191]

CARDINAL BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Cardinal Broadcasting Co., Inc., Jenkins, Ky., Requests: 1000 kc, 1 kw., Day, for construction permit, Docket No. 18035, File No. BP-16924.

1. The Commission has before it the above-captioned and described application; a petition to deny the application filed jointly by Folkways Broadcasting Co., Inc., licensee of Stations WTCW (AM) and WTCW–FM, Whitesburg, Ky., and Headwaters Broadcasting Corp., licensee of Station WNKY, Neon, Ky.; the applicant's opposition to the petition; and a supplemental statement filed by the applicant.

2. WTCW and WNKY claim standing on the ground that the proposed Jenkins station would compete with WTCW and WNKY for listeners and revenue and, therefore, the establishment of the Jenkins station would result in economic injury to the petitioners' stations.[1] The Commission finds that WTCW and WNKY have standing as parties in interest within the meaning of section 309 (d)(1) of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. Petitioners request that the application be dismissed or denied or, in the alternative, that the application be designated for hearing to determine whether the establishment of a third station in the area would result in a degradation of radio service, Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C. 346, 258 F. 2d 440, 17 RR 2066 (1958), to determine whether the applicant's president and principal stockholder, Dr. E. E. Musgrave, is qualified and to determine the financial qualifications of the applicant. In the supplementary statement filed by the applicant, it is requested that the pending applications for renewal of the licenses of WTCW and WNKY be designated for hearing with the Jenkins application if, for any reason, the Commission orders a hearing on the Jenkins proposal.

4. In support of the contention that the operation of the proposed station would cause a degradation in program service with resulting injury to the public, petitioners allege that available advertising revenues are limited and that any revenues obtained by the proposed station would result in a decrease in revenues of the existing stations. Petitioners cite the economically depressed condition of the region in the mountainous sections of several eastern States known as Appalachia, of which Letcher County is a small part; population loss in the area; low average income and competition from other media. Supporting material submitted by petitioners include affidavits of Hoover Dawahare and Donald F. Crosthwaite, principals of WNKY and WTCW, respectively; expressions of opinion by local businessmen, apparently Whitesburg merchants, to the effect that they are unable to spend additional sums for advertising; letters of appreciation for the cooperation of both stations; and excerpts from magazine and newspaper articles. Petitioners claim that members of the staffs of both stations participate in local affairs and that both stations provide public service programming. They state generally that public service and community activities would be curtailed if revenues are reduced.

5. The applicant opposes the economic aspect of the petition on the ground that the allegations are vague, generalized and conclusionary and that the information submitted is incomplete. The applicant states that the petitioners have failed to raise a substantial question of potential injury to the public and that there is a real need for a competitive service.

6. Upon consideration of petitioners' allegations, the Commission concludes that the applicant's point is well taken. The Commission has indicated the type of information deemed necessary to form the proper basis for a judgment as to whether a substantial question exists concerning the impact of a proposed new service on the public interest. Missouri-Illinois Broadcasting Co., 3 RR 2d 232 (1964). Such information should include inter alia, such items as the total number of businesses in the area, the total volume of retail sales, the number of other advertising media, a station's total revenues, expenses, profit or loss and average number of employees over a 3-year period, the number of businesses in the area which do not now advertise on the radio, the cost of public service programs carried by the petitioner, and other data related to the economics of broadcasting which may tend to show that the area involved could not support another station without loss or degradation of program service to the public. The Court of Appeals (D.C. Circuit) has held that the Commission could not demand of Carroll petitioners "exact calculation" or "preknowledge of the exact economics of the situation" which would occur after grant. Folkways Broadcasting Co., Inc., v. Federal Communications Commission, U.S. App. D.C., 375 F.2d 299, 8 RR 2d 2089 (1967). In the present instance, however, the petitioners have made little effort to support their allegations with specific data. Moreover, the allegations themselves are too generally stated. Therefore, the petitioners have raised no material or substantial question of fact that would require a hearing on the question of possible injury to the public.

7. Petitioners give no information on the total number of businesses in the area but state that, according to the city clerk of Jenkins there are fifteen small businesses in Jenkins. In response the applicant submitted a statement signed by Mrs. Olly Hoback Carter, Jenkins city clerk, in which she denies having said to Donald F. Crosthwaite or anyone else that Jenkins has 15 small businesses. According to Mrs. Carter's estimate, there are approximately 60 places of business in Jenkins. The petitioners gave no information on the volume of retail sales. No profit or loss is shown for WTCW, while WNKY claims to have realized a profit of $4,000 in 1965 but suffered losses in previous years. Petitioners do not indicate the number of businesses in Jenkins or Letcher County which do not now advertise on the radio, and there is no indication of the cost to either station of carrying public service features. WTCW claims that had it made its regular charge for time devoted to free public service in 1965, it would have realized $24,054.40 for such programs.

8. Aside from statements of conclusions and opinions, petitioners have furnished little in the way of meaningful data concerning the economic situation in Jenkins or in the immediate surrounding area. The Commission must therefore conclude that petitioners have failed to raise a substantial and material question of fact relevant to the area's ability to sustain another station without a net loss or degradation of service to the public. Accordingly, the specification of an issue on this question is not warranted. Big Basin Radio et al., 10 FCC 2d 209, 11 RR 2d 368 (1967). As indicated hereinafter, two questions require resolution in a hearing proceeding. However, since the petitioners have failed to raise a substantial economic question, the Commission finds that the unresolved questions do not require the consolidation of the WTCW and WNKY renewals with the Jenkins proposal. Therefore, the renewals of WTCW and WNKY will be processed without regard to the pendency of the Jenkins proposal, and the applicant's request for a consolidated hearing will be denied.

9. Petitioners question the individual qualifications of Dr. E. E. Musgrave, the applicant's president, who proposes to acquire 83⅓ percent of the applicant's stock. Petitioners, in criticizing Dr. Musgrave, make various allegations which, with one exception, are either unsupported or of no material concern to the Commission.

10. On one point raised by the petitioners, there is an unresolved factual dispute. Petitioners charge that Dr. Musgrave, holder of a radiotelephone first-class operator license, permitted his operator's license to be posted at the WNKY transmitter for the purpose of deceiving the Commission into believing that the former licensee of WNKY[2] was complying with the Commission's operator requirements. In support of this allegation, petitioners submitted affidavits of two former employees of WNKY who were members of the staff during the period from late 1956 to early 1959. Both former employees state that during the time when they were with the station, Dr. Musgrave's license was posted at WNKY but that, to their knowledge, he performed no engineering services for the station. One affiant alleges that Dr. Musgrave stated in his presence that he, Musgrave, "was only being paid for hanging his ticket on the wall and was

[1] Although WTCW, WNKY and the proposed station are identified with different communities, Whitesburg, Neon, and Jenkins are all in the same general area and all situated in Letcher County, Ky. The proposed Jenkins site lies within 8 miles of the WTCW and WNKY transmitter sites, and the proposed station will serve the same general area which WTCW and WNKY now serve.

[2] The present licensee of WNKY acquired the station pursuant to Commission consent granted on Aug. 7, 1964.

not obligated to perform any maintenance." Dr. Musgrave responds to this charge by stating that he was approached by Dee Dawahare, a former principal of WNKY, to provide engineering services on condition that a permanent engineer would be obtained as soon as possible. Dr. Musgrave further states that he provided engineering services until he learned that no diligent effort was being made to obtain an engineer whereupon he personally removed his license from the WNKY premises. To resolve these conflicting claims the matter will be placed in issue with the burden of proceeding with the introduction of evidence and the burden of proof upon WNKY.

11. On the basis of the application as originally filed, petitioners question the financial qualifications of the applicant and note a discrepancy between section IV of the application in which the applicant proposes to devote 1.5 percent of the broadcast time to discussion and the proposed program schedule on which no discussion programs were shown. The discrepancy has been corrected by the filing of an amended program schedule.

12. The applicant also amended its financial proposal, and on the basis of the original application and amendments, the applicant will require approximately $81,262, to construct and operate the proposed station for 1 year without revenue. The alleged cash requirements are as follows: down payment on equipment, $7,006; first year's payments (including interest) on equipment, $8,256; land, $4,000; building, $22,000; miscellaneous, $4,000; and working capital for 1 year, $36,000. The applicant shows the availability of $23,829 in cash and liquid assets and a bank loan of $50,000, or a total of only $73,829. Thus, based on its own estimates, the applicant has failed to meet the required amount. In addition, however, the Commission finds that the applicant has not adequately supported its $36,000 working capital estimate. Accordingly, a financial issue will be specified to determine whether a reasonable basis for that estimate exists. Likewise, it will be necessary for the applicant to establish the availability of the additional funds needed or, in the event operating revenues will be relied upon, the basis of the applicant's estimate of revenues and whether the estimate is reasonable.

13. Except as indicated by the issues specified below, the applicant is qualified to construct, own and operate the proposed station. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity. Therefore, the application will be designated for hearing on the issues specified below.

14. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine:

(a) The facts and circumstances surrounding the employment of Dr. E. E. Musgrave as engineer by Station WNKY and whether the arrangement met the requirements of the provisions of § 73.93 of the Commission's rules then in effect;

(b) Whether said arrangement was intended to deceive the Commission into concluding that the former licensee of Station WNKY was complying with § 73.93 of the rules; and

(c) In the light of the evidence adduced pursuant to the foregoing, whether Dr. E. E. Musgrave possesses the requisite qualifications to be a principal of a licensee of the Commission.

2. To determine:

(a) The basis of the applicant's estimated operating expenses for the first year of operation.

(b) The source of additional funds necessary to meet the costs of construction and operation of the proposed station during the first year;

(c) In the event the applicant will rely on operating revenues during the first year to meet fixed charges and operating costs, the basis for the applicant's estimate of revenues and whether such estimate is reasonable; and

(d) In the light of the evidence adduced pursuant to b and c above, whether the applicant is financially qualified.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the petition to deny the application filed by Headwaters Broadcasting Corp. and Folkways Broadcasting Co., Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the applicant's request for a consolidated hearing on its proposals and the renewals of WNKY and WTCW is denied.

It is further ordered, That Folkways Broadcasting Co., Inc., and Headwaters Broadcasting Corp., licensees of Stations WTCW and WNKY, respectively, are made parties to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue No. 1 shall be upon WNKY and with respect to Issue No. 2 upon the applicant.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 FR 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

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 in the 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: February 21, 1968.

Released: February 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 68-2758; Filed, Mar. 5, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC., AND LENOX AND CO. (PTY.) LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Curl,
Assistant Vice President Traffic,
Lykes Bros. Steamship Co., Inc.,
821 Gravier Street,
New Orleans, La. 70112.

Agreement 9692-1 between Lykes Bros. Steamship Co., Inc., and Lenox & Co. (Pty.) Ltd., modifies the basic pending agreement (Published in the FEDERAL REGISTER on February 15, 1968, Vol. 33-32, Page 3019) to include the outbound as well as the inbound movement

[1] Commissioner Cox abstaining from voting.

of packaged general cargo in the Mozambique and Indian Ocean Islands/U.S. Gulf trade with transshipment at South African ports, in accordance with terms and conditions set forth in the agreement.

Dated: March 1, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-2778; Filed, Mar. 5, 1968; 8:50 a.m.]

OFFICE OF ECONOMIC OPPORTUNITY

GUIDELINES

Notice of Availability

The Office of Economic Opportunity has issued guidelines under sections 210 and 211 of the Economic Opportunity Act, as amended in 1967 (42 U.S.C., 2790, 2791). These guidelines, constituting Community Action Memoranda Nos. 80 and 81 are included in a February 15, 1968 OEO Handbook entitled "Organizing Communities for Action Under the 1967 Amendments to the Economic Opportunity Act."

Community Action Memorandum No. 80 deals with "Designation and Recognition of Community Action Agencies Under the 1967 Amendments to the Economic Opportunity Act (section 210 (a))." Community Action Memorandum No. 81 deals with "The Organization of Community Action Agency Boards and Committees Under the 1967 Amendments to the Economic Opportunity Act."

The handbook also contains samples of draft forms to be used in complying with the guidelines and the text of Title II and related provisions of the Economic Opportunity Act, as amended in 1967.

Copies of the handbook can be obtained from the following OEO Offices:

OEO HEADQUARTERS

CAP Executive Office, Room: 553, Brown Building, Office of Economic Opportunity, Washington, D.C. 20506.

OEO REGIONAL OFFICES

REGION I

OEO Northeast Region, 72 West 45th Street, New York, N.Y. 10036, Attention: Public Information Officer.

REGION II

OEO Mid-Atlantic Region, 1832 M. Street NW., Washington, D.C. 20506, Attention: Public Information Officer.

REGION III

OEO Southeast Region, 730 Peachtree Street NE., Atlanta, Ga. 30308, Attention: Public Information Officer.

REGION IV

OEO Great Lakes Region, 623 South Wabash Avenue, Chicago, Ill. 60605, Attention: Public Information Officer.

REGION V

OEO Southwest Region, Lowich Building, 314 West 11th Street, Austin, Tex. 78701, Attention: Public Information Officer.

REGION VI

OEO North Central Region, 911 Walnut Street, Kansas City, Mo. 64106, Attention: Public Information Officer.

REGION VII

OEO Western Region, 100 McAllister Street, San Francisco, Calif. 94102, Attention: Public Information Officer.

THEODORE M. BERRY,
Director,
Community Action Program.

[F.R. Doc. 68-2717; Filed, Mar. 5, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2267]

CHASE FRONTIER FUND, INC.

Notice of Filing of Application From Exemption

FEBRUARY 29, 1968.

Notice is hereby given that Chase Frontier Fund, Inc. ("applicant") 535 Boylston Street, Boston, Mass. 02116, a Massachusetts corporation, registered under the Investment Company Act of 1940 ("Act"), as a management open-end diversified investment company, but which will not redeem its shares until after the closing of the sale of shares in the initial offering, has filed an application for an order pursuant to section 6(c) of the Act to exempt certain proposed transactions in connection with the offering of its shares to the public from the provisions of section 18(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant proposes to make a public offering of its shares of common stock, $1 par value, through a group of underwriters and has filed a registration statement covering these shares under the Securities Act of 1933. The shares of stock are to be purchased by the underwriters from the applicant at a price of $91.50 per share and will be reoffered to the public at a maximum price of $100 per share. Applicant is sponsored and will be managed by John P. Chase, Inc. ("Adviser").

The initial offering of the shares of applicant will be made through Shearson, Hammill & Co., Goodbody & Co. and Mitchum, Jones & Templeton, Inc., as representatives of the underwriters. Each person who acquires shares of applicant pursuant to the initial public offering will also receive therewith a special nontransferable right to purchase, in addition to those shares originally purchased, shares of applicant in an amount not to exceed the number of shares of applicant originally purchased in the initial offering and still held by the shareholder, his spouse, children under 21 years of age, or legal representatives and successors, other than subsequent purchasers. Such purchase right will commence 90 days after the closing of the sale of shares to the underwriters and it is anticipated by applicant that the rights will be exercisable in whole or in part during the following 2-year period. Pursuant to the purchase rights, shares of applicant will be sold at net asset value plus a reduced sales charge of 4¼ percent of the total offering price in transactions involving $10,000 or less and reduced sales charges in accordance with a schedule for transactions in excess of $10,000. In the determination of the sales charge applicable to any particular transaction, the net asset value of the shares of applicant then held by the purchaser will be included in the total amount. The minimum initial purchase will be 10 shares of stock.

Subsequent to the completion of the initial offering of applicant's shares to the public, applicant will not make any continuous offering of its shares to the public, other than for the exercise of the special purchase rights, until at least the termination of the 2-year period during which the rights are exercisable. Thereafter, in the event that applicant's management decides to have a further offering of its shares, shareholder approval thereof will be obtained by applicant as a condition to such further offering. After completion of the initial offering, applicant's shares will be redeemable at net asset value.

Section 18(d) of the Act, insofar as here pertinent, prohibits applicant, a registered investment company, from issuing any warrant or right to subscribe to or purchase a security of which applicant is the issuer unless it expires in less than 120 days and is issued exclusively and ratably to applicant's security holders.

Section 6(c) of the Act provides that the Commission, by order upon application, may exempt any person, security or transaction from any provision of the Act or from any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an exemption from section 18(d) to permit the proposed issuance of the special purchase rights. Such rights will be nontransferable and may be exercised without any resultant dilution of the interests of stockholders.

Notice is further given that any interested person may, not later than March 21, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order

a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68–2732; Filed, Mar. 5, 1968; 8:46 a.m.]

CODITRON CORP.

Order Suspending Trading

FEBRUARY 29, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $3 par value, of Coditron Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 1, 1968, through March 10, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–2733; Filed, Mar. 5, 1968; 8:46 a.m.]

[File No. 1–3629]

KASHMIR OIL, INC.

Order Suspending Trading

FEBRUARY 29, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Kashmir Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 1, 1968 through March 10, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–2734; Filed, Mar. 5, 1968; 8:46 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

FEBRUARY 29, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc. and all other securities of Leeds Shoes, Inc., Tampa, Fla., 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 March 1, 1968, through March 10, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68–2735; Filed, Mar. 5, 1968; 8:46 a.m.]

[812–2272]

STEIN ROE & FARNHAM BALANCED FUND, INC.

Notice of Filing of Application for an Order Exempting a Sale by an Open-End Company of Its Securities at Other Than the Public Offering Price

FEBRUARY 29, 1968.

Notice is hereby given that Stein Roe & Farnham Balanced Fund, Inc. ("Applicant"), 135 South La Salle Street, Chicago, Ill. 60603, a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a proposed transaction in which Applicant's redeemable securities may be issued at a price other than the current public offering price described in the prospectus in exchange for substantially all the assets of Kindlco, Inc. ("Kindlco"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Kindlco, a Michigan corporation, is a personal holding company all of whose outstanding stock is owned beneficially by eight individuals. Prior to October 7, 1965, Kindlco was engaged in the manufacture of household furniture under the name of Kindel Furniture Co. Since that date, it has been primarily engaged in managing its securities portfolio. It is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Kindlco substantially all of the cash and securities of Kindlco, with a value of approximately $2,096,299 as of December 21, 1967 (less a reserve not exceeding $600,000), will be transferred to Applicant in exchange for shares of its capital stock.

Applicant issues its shares to the public at net asset value without a sales charge. The number of its shares to be issued to Kindlco is to be determined by dividing the aggregate market value of the assets of Kindlco to be transferred to Applicant by Applicant's net asset value per share. Both are to be determined as of the valuation time, as defined in the agreement. The agreement also provides that prior to the transfer Kindlco will sell certain of its portfolio securities or, absent such a sale, the value of its assets will be adjusted by the estimated costs of the sale. If such adjustment is made, or an adjustment which would be necessary if Kindlco's ratio of unrealized appreciation to its net assets is higher than Applicant's ratio, Applicant would be issuing shares to Kindlco at other than their public offering price. Had the transaction taken place on January 31, 1968, the date of the application, no tax adjustment would have been necessary. Applicant represents that the transfer will be a tax-free reorganization and that the tax basis to Applicant of the assets when acquired from Kindlco will be their basis in the hands of Kindlco. Shares of Applicant to be received by Kindlco are to be distributed to the Kindlco stockholders on the liquidation of Kindlco.

Applicant represents that no affiliation exists between Kindlco or its officers, directors or stockholders and Applicant, its officers or directors, and that the agreement was negotiated at arm's length by the two companies. Stein Roe & Farnham acts as investment adviser to both Applicant and Kindlco. The Board of Directors of Applicant and the shareholders of Kindlco have each approved the agreement.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus. Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 18, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by

a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68-2736; Filed Mar. 5, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 1, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41249—*Residual fuel oil from points in Wyoming.* Filed by Western Trunk Line Committee, agent (No. A–2542), for interested rail carriers. Rates on residual fuel oil, in tank car loads, subject to Rule 35 of uniform freight classification and estimated weight of 7.4 pounds per gallon, but not less than 74,000 pounds per car, from specified points in Wyoming, to points in western trunkline territory.

Grounds for relief—Carrier competition.

Tariff—Supplement 44 to Western Trunk Line Committee, agent, tariff ICC A–4572.

By the Commission.

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

[F.R. Doc. 68-2781; Filed, Mar. 5, 1968; 8:50 a.m.]

[Notice 488]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 1, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Deviation No. 70), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed February 19, 1968. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over Interstate Highway 10 to San Bernardino, Calif., thence over Interstate Highway 15 to Barstow, Calif., thence over Interstate Highway 40 to Flagstaff, Ariz., 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 Los Angeles, Calif., over U.S. Highway 60 to Mesa, Ariz., thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tucson, Ariz., and (2) from Salt Lake City, Utah, over U.S. Highway 91 to junction Utah Highway 15, thence over Utah Highway 15 to junction U.S. Highway 89, thence over U.S. Highway 89 to Phoenix, Ariz., and return over the same routes.

No. MC 43421 (Deviation No. 16), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, Ill. 61202, filed February 19, 1968. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 (the Indiana Toll Road) to Exit 11, thence over Indiana Highway 9 (an access road) to the Indiana-Michigan State line, thence over Michigan Highway 66 (an access road) to Sturgis, Mich., 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: From Chicago, Ill., over U.S. Highway 12 to junction U.S. Highway 112, thence over U.S. Highway 112 to Detroit, Mich., and return over the same route.

No. MC 59194 (Deviation No. 4) (Amendment), EASTERN FREIGHT WAYS, INC., Mooachi Avenue, Carlstadt, N.J. 07072, filed January 25, 1968, amended February 20, 1968. Carrier's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Binghamton, N.Y., over Interstate Highway 81 to junction the Northeast Extension of the Pennsylvania Turnpike, thence over the Northeast Extension of the Pennsylvania Turnpike, to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Interstate Highway 83, thence over Interstate Highway 83 to Baltimore, Md., 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 Philadelphia, Pa., over U.S. Highway 611 to Easton, Pa., thence over Pennsylvania Highway 115 to Stockertown, Pa., thence over Pennsylvania Highway 12 to Bartonsville, Pa., thence over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Binghamton, N.Y., and (2) from Philadelphia, Pa., over U.S. Highway 1 to Baltimore, Md., and return over the same routes. The original notice was published in the February 7, 1968, issue of the FEDERAL REGISTER, and indicated the carrier's intention to conduct operations, as pertinent, over Interstate Highway 78 in Pennsylvania, from its junction with the Northeast Extension of the Pennsylvania Turnpike to its junction with Interstate Highway 83. The purpose of the instant amendment is to enable applicant to temporarily operate over U.S. Highway 22 where a small portion of Interstate Highway 78 is not completed, between a point near Fredericksburg, Pa., and junction Interstate Highway 83.

No. MC 70451 (Deviation No. 12), WATSON-WILSON TRANSPORTATION SYSTEM, INC., Post Office Box 8729, 92d at State Line, Kansas City, Mo. 64114, filed February 19, 1968. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over U.S. Highway 31W to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Interstate Highway 465; thence over Interstate Highway 465 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 41 near Fowler, Ind., 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 Nashville, Tenn., over U.S. Highway 41 via Hopkinsville, Ky., to junction Kentucky Highway 56, thence over Kentucky Highway 56 to the Kentucky-Illinois State line, thence over Illinois Highway 13 to junction Illinois Highway 1, thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Chicago, Ill., and (2) from Nashville, Tenn., over the route described in (1) above to junction U.S. Highway 41 and Kentucky Highway 56, thence over U.S. Highway 41 to Evansville, Ind., thence as described in (1) above to Chicago, Ill., and return over the same routes.

No. MC 73464 (Deviation No. 2), JACK COLE COMPANY, 1900 Vanderbilt Road, Post Office Box 274, Birmingham, Ala. 35202, filed January 16, 1968, amended February 19, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Interstate Highway 85 and U.S. Highway 78 at Atlanta, Ga., over Interstate Highway 85 to junction U.S. Highway 29, approximately 8 miles south of Greenville, S.C., and (2) from Baltimore, Md., over U.S. Highway 40 to junction Interstate Highway 95, thence over Interstate Highway 95 to Philadelphia, Pa. (also from Baltimore, Md., over Interstate Highway 95 to Philadelphia, Pa.), 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 Atlanta, Ga., over U.S. Highway 78 to Athens, Ga., thence over U.S. Highway 29 to junction Interstate Highway 85, approximately 8 miles south of Greenville, S.C., and (2) from Baltimore, Md., over U.S. Highway 1 to Philadelphia, Pa., and return over the same routes.

No. MC 111594 (Deviation No. 12), C W TRANSPORT, INC., High Street, Wisconsin Rapids, Wis. 54494, filed February 23, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fond du Lac, Wis., over Wisconsin Highway 23 to junction Wisconsin Highway 49, thence over Wisconsin Highway 49 to junction U.S. Highway 10, thence over U.S. Highway 10 to Stevens Point, Wis., 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 Marshfield, Wis., over Wisconsin Highway 13 to junction U.S. Highway 10, thence over U.S. Highway 10 to Stevens Point, Wis., thence over U.S. Highway 51 to Plainfield, Wis., thence over Wisconsin Highway 73 to Wautoma, Wis., thence over Wisconsin Highway 21 to Oshkosh, Wis., thence over Wisconsin Highway 175 to Fond du Lac, Wis. (also from Oshkosh, Wis., over U.S. Highway 45 to Fond du Lac, Wis.), thence over U.S. Highway 45 to Milwaukee, Wis., thence over U.S. Highway 41 to Chicago, Ill., and (2) from Green Bay, Wis., over U.S. Highway 41 to Oshkosh, Wis., and return over the same routes.

By the Commission.

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

[F.R. Doc. 68-2772; Filed, Mar. 5, 1968; 8:49 a.m.]

[Notice 1156]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 1, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 42011 (Sub-No. 9) (Republication), file February 12, 1968, published in the FEDERAL REGISTER of February 22, 1968, and republished this issue. Applicant: D. Q. WISE & CO., INC., 2835 West 21st Street, Post Office Box 9205, Tulsa, Okla. 74107. Applicant's representative: Joe G. Fender, 802 First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidolgo, and Presidio, Tex., to points in Texas, Oklahoma, and Arkansas, and (2) the following iron or steel articles weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: March 13, 1968, at the Texas State Hotel, 720 Fannin Street, Houston, Tex., before Examiner Jerry F. Laughlin. This assignment is subject to the rules set forth in the order of January 8, 1968, in No. MC 4964 (Sub-No. 35) et al.

No. MC 58344 (Sub-No. 4) (Republication), filed February 12, 1968, published in the FEDERAL REGISTER of February 22, 1968, and republished this issue. Applicant: BILL HODGES TRUCK COMPANY, INC., 4701 Northeast 23d Street, Oklahoma City, Okla. 73110. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas and Oklahoma, and (2) the following iron or steel articles weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: March 13, 1968, at the Texas State Hotel, 720 Fannin Street, Houston, Tex., before Examiner Jerry F. Laughlin. This assignment is subject to the rules set forth in the order of January 8, 1968, in No. MC 4964 (Sub-No. 35) et al.

No. MC 64695 (Sub-No. 16) (Republication), filed February 12, 1968, published in the FEDERAL REGISTER of February 22, 1968 and republished this issue. Applicant: C. RAMPY TRUCKING CO., INC., 2462 North Lewis, Post Office Box 4093, Tulsa, Okla. 74152. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) The following iron or steel articles, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment: *Plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bards, wire mesh, and pipe;* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, and Arkansas, and (2) the following iron or steel articles weighing 2,000 pounds or more each, requiring the use of special equipment: *Sheets, beams, plates, and coils,* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: March 13, 1968, at the Texas State Hotel, 720 Fannin Street, Houston, Tex., before Examiner Jerry F. Laughlin. This assignment is subject to the rules set forth in the order of January 8, 1968, in No. MC 4964 (Sub-No. 35) et al.

No. MC 114019 (Sub-No. 184), filed February 28, 1968. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, body vehicle sealer and sound deadening compound,* in packages and/or containers, (1) from Emlenton and Farmers Valley, Pa., to points in Illinois and Indiana (except those within the Chicago commercial zone as defined by the Commission); and (2) from Buffalo, N.Y., and St. Marys, W. Va., to points in Illinois and Indiana.

HEARING: March 20, 1968, in Room 1630, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner William J. Sweeney.

No. MC 128597 (Sub-No. 1) (Republication), filed September 20, 1966, published FEDERAL REGISTER issue of October 6, 1966, and republished this issue. Applicant: WALTER TABER, doing business as WALT'S POULTRY AND BEEF CO., 1920 Wadsworth Boulevard, Lakewood, Colo. 80215. Applicant's representative: Bert L. Penn, 30 South Emerson Street, Denver, Colo. 80209. By application filed September 20, 1966, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of meat, meat products, and meat byproducts, as described in Part A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Grand Island, Gering, and Scottsbluff, Nebr., to Cheyenne and Laramie, Wyo., and Broomfield, Denver, Fort Collins, Longmont, and Loveland, Colo., under contract with Swift & Co. A decision and order of the Commission, division 1, dated February 2, 1968, and served February 21, 1968, finds that operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *meat, meat products, and meat byproducts*, as described in Part A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Grand Island, Gering, and Scottsbluff, Nebr., to Cheyenne and Laramie, Wyo., and Broomfield, Denver, Fort Collins, Longmont, and Loveland, Colo.; that an applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129280 (Sub-No. 2) (Republication), filed September 27, 1967, published FEDERAL REGISTER issue of October 12, 1967, and republished this issue. Applicant: EARL R. BELL, INC., 7008 Poplar Avenue, Tacoma Park, Md., Mailing Address, Box 1399, Rockville, Md. 20850. Applicant's representative: Charles E. Creager, Post Office Box 81, Winchester, Va. 22601. By application filed September 27, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of lumber, plywood, and precut component packages, from and to the points indicated below. An order of the Commission, Operating Rights Board, dated January 29, 1968, and served February 20, 1968, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of *buildings*, complete, knocked down, or in sections, from Silver Spring, Md., to Chantilly (Fairfax County), Va., under a continuing contract with Levitt and Sons, Inc., of Lake Success, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129324 (Sub-No. 1) (Republication), filed August 11, 1967, published FEDERAL REGISTER issue of August 25, 1967 and republished this issue. Applicant: TAYLOR MOORE'S EXPRESS COMPANY, a corporation, 911 Hillcrest Lane, Willingboro, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1700, 1500 Walnut Street, Philadelphia, Pa. 19102. By application filed August 11, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of food and food products requiring refrigeration, from and to the points substantially as indicated below. An order of the Commission, Operating Rights Board, dated January 31, 1968, served February 20, 1968, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in vehicles equipped with mechanical refrigeration, of *food and food products*, except commodities in bulk, from Philadelphia, Pa., to points in Atlantic, Burlington, Camden, and Cape May Counties, N.J.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 111545 (Sub-No. 75), (Notice of filing of petition under section 1100.102 of the general rules of practice for extraordinary relief, for reopening, further reconsideration, and for modification of certificate), filed January 26, 1968. Petitioner: HOME TRANSPORTATION COMPANY, INC., Marietta, Ga. Petitioner's representative: Robert E. Born, Post Office Box 6426, Station A, Marietta, Ga. 30060. Petitioner holds authority in No. MC 111545 (Sub-No. 75), to transport machinery, equipment, and supplies used in the maintenance and operation of industrial plants, over irregular routes, between Chattanooga and points within 175 miles thereof (except points in Mississippi). In the instant petition, petitioner states, among other things, that it, and its predecessors-in-interest have engaged in bona-fide operations, in interstate or foreign commerce, as common carriers by motor vehicle of commodities which, because of size or weight, require the use of special equipment or handling, between points within 175 miles of Chattanooga, Tenn., including Chatanooga; and, that a certificate authorizing a continuance of such operation, in substitution for that heretofore authorized, should be granted to petitioner. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124181 (Sub-No. 5) (Notice of filing of petition for authority to add additional contracting shipper to present operating authority), filed February 15, 1968. Petitioner: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. 08094. Petitioner's representative: George A. Olson, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a permit in No. MC 124181 (Sub-No. 5), the part here pertinent, to transport, over irregular routes, empty containers, ends, caps, and covers, from Baltimore, Md., to Glassboro, N.J., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed under a continuing contract or contracts, with National Fruit Company of Glassboro, N.J. By the instant petition, petitioner requests permission to add the following shipper to the authority now held by applicant: Ridge Canning Co., Glassboro, N.J. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 31435 (Sub-No. 7), filed February 9, 1968. Applicant: THE OVERLAND TRANSPORTATION COMPANY, a corporation, 184 Massilon Road, Akron, Ohio 44305. Applicant's representative: Jack R. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Cleveland, Ohio, and points in Ohio. NOTE: Applicant states that by tacking at Cleveland, Ohio, with its presently held regular and irregular route authorities, this authority would fill out its existing partial authority between points in Ohio and points in North Carolina, South Carolina, and Georgia. This application is directly related to MC–F–10044, published FEDERAL REGISTER issue of February 21, 1968. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

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–10050. Authority sought for purchase by SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306, of a portion of the operating rights of LAVERY TRANSPORTATION, INC., 7420 South Ashland Avenue, Chicago, Ill. 60636, and for acquisition by AL J. SCHNEIDER, AGNES SCHNEIDER, both of 812 Stuart Street, Green Bay, Wis., and DONALD J. SCHNEIDER, 836 Neufeld Street, Green Bay, Wis., of control of such rights through the purchase. Applicants' attorneys: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602, and Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. 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 Chicago, Ill., and Milwaukee, Wis., serving no intermediate points, between junction Illinois Highway 176 and U.S. Highway 41 and Green Bay, Wis., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Wisconsin, Michigan, Illinois, Indiana, Iowa, Kansas, Kentucky, North Dakota, Ohio, Pennsylvania, South Dakota, New York, New Jersey, Minnesota, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Louisiana, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: See also No. MC–F–10052 (PACIFIC INTERMOUNTAIN EXPRESS CO.—Purchase (Portion)—LAVERY TRANSPORTATION, INC.), published this same issue. MC–51146, Sub 80 is a matter concurrently filed.

No. MC–F–10051. Authority sought for purchase by MIDDLE STATES MOTOR FREIGHT, INC., 5723 Este Avenue, Cincinnati, Ohio 45232, of the operating rights of SPAULDING TRANSFER LINE, INC., West Market Street, Salem, Ind., and for acquisition by C. L. PETERSON, also of Cincinnati, Ohio, of control of such rights through the purchase. Applicants' attorneys: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202, and Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. 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 Salem, Ind., and Louisville, Ky., serving all intermediate points, and the off-route points of Becks Mills and Martinsburg, Ind., and the off-route points within 10 miles of Salem for pickup of livestock only, between Salem, Ind., and Cincinnati, Ohio, serving all intermediate points, and the off-route points of Canton, Harristown, New Philadelphia, South Boston, and Little York, Ind., and the off-route points within 20 miles of Salem, for pickup of livestock and cream only; serving one alternate route for operating convenience only; *general commodities*, excepting, among others, commodities in bulk, but not excepting, household goods, between Salem, Ind., and Leipsic, Ind., serving the intermediate points of Campbellsburg, Saltillo, and Livonia, Ind.; and *lubricating oil and greases*, in barrels, from Lawrenceville, Ill., to Salem, Ind., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10052. Authority sought for purschase by PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland, Calif. 94604, of a portion of the operating rights of LAVERY TRANSPORTATION, INC., 7410 South Ashland Avenue, Chicago, Ill. 60636. Applicants' attorneys: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603, and Eugene L. Cohn, 1 North La Salle Street, Chicago, 2, Ill. 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 Chicago, Ill., and Milwaukee, Wis., serving all intermediate points; and the off-route points of Waukesha, Cudahy, South Milwaukee, and Carollville, Wis., those within 10 miles of Milwaukee, Wis., and those in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673. Vendee is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, California, Nevada, Idaho, Missouri, Kansas, Illinois, Oregon, Washington, Oklahoma, Iowa, Nebraska, Wisconsin, Arizona, Montana, Texas, New Mexico, Michigan, Indiana, Ohio, Minnesota, North Dakota, Florida, Pennsylvania, Connecticut, Kentucky, Maryland, Massachusetts, New Jersey, New York, South Dakota, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: See also No. MC–F–10050 (SCHNEIDER TRANSPORT & STORAGE, INC.—Purchase (Portion)—LAVERY TRANSPORTATION, INC.), published this same issue. Applicants request that these applications be considered together.

No. MC–F–10053. Authority sought for purchase by GEORGE W. BROWN, INC., 1475 East 222d Street, New York, N.Y. 10469, of the operating rights of K. M. TRANSPORTATION, INC. (LEONARD M. SALTER, assignee), 31 Milk Street, Boston, Mass. 02109, and for acquisition by MAY F. BROWN and GEORGE W. BROWN, JR., both also of New York, N.Y., of control of such rights through the purchase. Applicants' attorney and representative: William Biederman, 280 Broadway, New York, N.Y. 10007, and Leonard M. Salter, 31 Milk Street, Boston, Mass. 02109. Operating rights sought to be transferred: Under a certificate of registration, in No. MC–99428 Sub 1, covering the transportation of general commodities, as a common carrier in intrastate commerce, within the State of Massachusetts. Vendee is authorized to

operate as a *common carrier* in New York, Pennsylvania, New Jersey, Virginia, Maryland, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-65491 Sub 5 is a matter directly related.

No. MC-F-10054. Authority sought for purchase by GLOSSON MOTOR LINES, INC., Route 9, Box 11A, Hargrave Road, Lexington, N.C. 27292, of a portion of the operating rights of WEST BROTHERS TRANSFER AND STORAGE, INC., Post Office Box 6365, Raleigh, N.C. 27608, and for acquisition by PEDLER AND ASSOCIATES, INC., 306 Oakwood Drive, Lexington, N.C. 27292, of control of such rights through the purchase. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: Under a certificate of registration, in No. MC-99044 Sub-1, that portion covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of North Carolina. Vendee is authorized to operate as a *common carrier*, in Virginia, North Carolina, New York, Pennsylvania, New Jersey, West Virginia, Delaware, Tennessee, South Carolina, Georgia, Florida, Kentucky, Ohio, Maryland, Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire, Vermont, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, Alabama, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-41255 Sub-69, is a matter directly related.

No. MC-F-10055. Authority sought for control by DRURY'S VAN LINES, INC., 24400 Joy Boulevard, Mount Clemens, Mich. 48045, of (1) A-WORLD VAN LINES, INC., 17720 15th NE., Seattle, Wash. 98155, (2) MARTIN VAN LINES, INC., 17720 15th NE., Seattle, Wash. 98155, (3) WORLD VAN LINES, INC. (a noncarrier), 17720 15th NE., Seattle, Wash. 98155, and (4) SMITH TRANSFER (a noncarrier), 17720 15th NE., Seattle, Wash. 98155, and for acquisition by MOVERS, INC., 382 Penobscot Building, Detroit, Mich. 48226, of control of A-WORLD VAN LINES, INC., MARTIN VAN LINES, INC., WORLD VAN LINES, INC., and SMITH TRANSFER, through the acquisition by DRURY'S VAN LINES, INC. Applicants' attorney: James Frederick Schouman, 384 Penobscot Building, Detroit, Mich. 48226. Operating rights sought to be controlled: (1) *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points within 3 miles of Portland, Oreg., including Portland; and *household goods* as defined by the Commission, from certain specified points in Montana, to points in Wyoming, Colorado, Idaho, Utah, Oregon, and Washington, from points in Wyoming, Colorado, Idaho, Utah, Oregon, and Washington, to all points in Montana, between certain specified points in Montana, except Forsyth, Mont., on the one hand, and, on the other, points in Minnesota, South Dakota, North Dakota, Wyoming, Idaho, Washington, and Montana, between Forsyth, Mont., on the one hand, and, on the other, points in Montana more than 125 miles from Forsyth, and those in Minnesota, South Dakota, North Dakota, Wyoming, Idaho, and Washington, between points in California, Oregon, and Washington, between certain specified points in Oregon, on the one hand, and, on the other, points in Idaho and Nevada. DRURY'S VAN LINES, INC., is authorized to operate as a *common carrier* in Michigan, Pennsylvania, Ohio, Illinois, New York, Indiana, Maryland, New Jersey, Wisconsin, Virginia, West Virginia, Connecticut, Massachusetts, Missouri, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10056. Authority sought for control and merger by ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo. 63106, of the operating rights and property of LUCAS MOTOR EXPRESS, INC., 1406 North Anderson, Greensburg, Ind., and for acquisition by JOHN BUTLER, ROBERT BUTLER, DAVID BUTLER, and RICHARD BUTLER, all, also of St. Louis, Mo., of control of such rights and property through the transaction. Applicants' attorneys: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102, and James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between certain specified points in Indiana, serving certain intermediate and off-route points, between Aurora, Ind., and Cincinnati, Ohio, serving the intermediate point of Lawrenceburg, Ind., between Milan, Ind., and Aurora, Ind., serving all intermediate points and off-route points within seven miles of Milan; serving two alternate routes for operating convenience only. ANDERSON MOTOR SERVICE, INC., is authorized to operate as a *common carrier* in Indiana, Ohio, Illinois, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10057. Authority sought for control by CONSOLIDATED LEASING CORPORATION OF AMERICA, 69 West Washington Street, Chicago, Ill. 60602, of RUSSELL TRUCKING LINE, INC., 820 Milan Road, Sandusky, Ohio 44870. Applicants' attorneys: Lee Reeder and Frank W. Taylor, Jr., both of 1221 Baltimore Avenue, Kansas City, Mo. 64105. Operating rights sought to be controlled: *Cement*, as a *common carrier*, over irregular routes, from Baybridge, Ohio, to certain specified points in Michigan, authority is granted to traverse Indiana for operating convenience only, from Wampum, Pa., to points in Chautauqua and Cattaraugus Counties, N.Y., from Wampum, Pa., to points in Ohio on and north of U.S. Highway 50 and on and east of U.S. Highway 23, and certain specified points in West Virginia; between points in Ohio, with restriction; from Wampum, Pa., to points in Ohio, except those points on and north of U.S. Highway 50 and on and east of U.S. Highway 23; *plaster, plasterboard, plasterboard joint system*, and *gypsum block plant*, slab or tile, from the plantsite of United States Gypsum Co., at Gypsum, Ohio, to certain specified points in Pennsylvania and West Virginia; *cement*, in bags, or in bulk, in tank vehicles, from Wampum, Pa., to points in that part of West Virginia on and north of a line extending along U.S. Highway 50 through Clarksburg and Parkersburg, W. Va., except those points in Brooke, Hancock, and Ohio Counties, W. Va., from Wampum, Pa., to points in that part of West Virginia south of U.S. Highway 50; and *building materials, gypsum and gypsum products*, and *materials and supplies* used in the installation and application of such commodities, from the plant of the United States Gypsum Co., located about 5 miles east of Shoals, Ind., to points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, with restriction. CONSOLIDATED LEASING CORPORATION OF AMERICA, hold no authority from this Commission. However, it controls MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514, which is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10058. Authority sought for purchase by McLEAN TRUCKING COMPANY, Post Office Box 213, 617 Waughtown Street, Winston-Salem, N.C., of the operating rights of ALMAR'S EXPRESS, INC., 562 Wellington Avenue, Cranston, R.I., and for acquisition by M. C. BENTON, JR. and PAUL P. DAVIS, both also of Winston-Salem, N.C., of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: Under a certificate of registration, in No. MC-121164 Sub 1, covering the transportation of general commodities, as a common carrier in intrastate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Virginia, New York, Rhode Island, Pennsylvania, Connecticut, Maryland, New Jersey, Delaware, Massachusetts,

Indiana, West Virginia, Ohio, Illinois, Kentucky, Tennessee, Missouri, Iowa, Michigan, Maine, Mississippi, New Hampshire, Vermont, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-31389 Sub 93 is a matter directly related.

No. MC-F-10059. Authority sought for purchase by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316, of a portion of the operating rights of PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Avenue, Nashville, Tenn. 37203, and for acquisition by AMERICAN COMMERCIAL LINES, INC., Jeffersonville, Ind., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201, George Catlett, McClure Building, Frankfort, Ky., and James C. Havron, 513 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Nashville, Tenn., and Memphis, Tenn., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Kentucky, Indiana, Illinois, Georgia, Tennessee, Alabama, Florida, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10060. Authority sought for purchase by COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. 46225, of the operating rights of VIVIAN E. SHARPE, doing business as LEE TRUCK SERVICE, Sullivan, Ind. 47882, and for acquisition by FRED E. GIERHART, JR., Rural Route No. 2, Zionsville, Ind., and GLENN R. GIERHART, 1515 West 96th Street, Indianapolis, Ind., of control of such rights through the purchase. Applicants' attorney: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. 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 Terre Haute, Ind., and Vincennes, Ind., between Terre Haute, Ind., and New Lebanon, Ind., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Kentucky, and Illinois. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 68-2773; Filed, Mar. 5, 1968; 8:49 a.m.]

[Notice 1158]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 1, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 14743 (Sub-No. 26), filed February 21, 1968. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 3777 South Jackson, Post Office Box 356, Tulsa, Okla. 74101. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, 711 Fannin, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, in bales or bundles, weighing 2,000 pounds or more each, which require the use of special equipment, *plates, posts, angles, forms, sheets, rounds, channels, beams, ingots, piling, billets, blooms, reinforcing rods, bars, wire mesh, and pipe* from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo, and Presidio, Tex., to points in Texas, Oklahoma, Arkansas, and New Mexico, and (2) *iron and steel articles*, weighing 2,000 pounds or more each, requiring the use of special equipment, *sheets, beams, plates, and coils*, from Houston, Beaumont, Port Arthur, Corpus Christi, Galveston, Orange, Victoria, Baytown, Eagle Pass, Laredo, Brownsville, Port Isabel, Hidalgo and Presidio, Tex. to points in Texas.

HEARING: March 13, 1968, at the Texas State Hotel, 720 Fannin Street, Houston, Tex., before Examiner Jerry F. Laughlin.

No. MC 107698 (Sub-No. 45), filed February 21, 1968. Applicant: BONANZA, INC., Post Office Box 12163, Phoenix, Ariz. Applicant's representative: Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from the plantsite of Missouri Beef Packers at or near Friona, Tex., to points in Washington, Idaho, Montana, Oregon, California, Nevada, Utah, Arizona, New Mexico, Colorado, and Wyoming, restricted to traffic originating at the plantsite of Missouri Beef Packers at or near Friona, Tex.

HEARING: March 27, 1968, in Room 7A38, Federal Building, 819 Taylor Street, Fort Worth, Tex., before Examiner Gerald F. Colfer.

By the Commission.

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

[F.R. Doc. 68-2774; Filed, Mar. 5, 1968; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 1, 1968.

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. 4182, filed February 20, 1968. Applicant: SOUTHWESTERN MOTOR TRANSPORT, INC., Post Office Box 9186, San Antonio, Tex. 78204. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*. By order dated April 17, 1962, the Railroad Commission of Texas granted the application of Southwestern Motor Transport, Inc., Docket No. 4182, authorizing it to institute a new operation (1) between Del Rio and San Angelo, Tex., serving all intermediate points and (2) from Barksdale over State Highway 55 to the junction with U.S. Highway 277 near the county line of Edwards and Sutton Counties, Tex., serving all intermediate points, coordinating the proposed service with service now rendered by applicant under its existing certificated routes, but the Commission imposed the following restriction in said certificate: "Restricted and prohibited from handling any freight tonnage originating at or moving through San Antonio destined to or through San Angelo, and vice versa." The purpose of this application is to amend certificate No. 4182 so as to remove the foregoing restriction in order that the applicant may transport shipments moving from or through San Antonio destined to or through San Angelo, Tex., and also shipments moving from or through San Angelo and destined to or through San Antonio, Tex. Both intrastate and interstate authority sought.

HEARING: Not yet assigned for hearing. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division—M. T. Section, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC–5063, filed February 16, 1968. Applicant: COUTS BROS. EXPRESS, INC., Post Office Box 153, Springfield, Tenn. 37172. Applicant's representative: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment), between Springfield and Nashville, Tenn., via U.S. Highway 431 and also via U.S. Highway 41, serving all intermediate points in Robertson County via both routes and serving Barren Plains, Tenn., as an off-route point. Both intrastate and interstate authority sought.

HEARING: Wednesday, March 27, 1968, at 9:30 a.m., Tennessee Public Service Commission Courtroom, C–1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 68–2775; Filed, Mar. 5, 1968; 8:49 a.m.]

[Notice 560]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 1, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52673 (Sub-No. 25 TA), filed February 26, 1968. Applicant: FRED OLSON MOTOR SERVICE COMPANY, 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Robert W. Gleason (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Milwaukee, Wis., to points in McHenry, Lake, Will, Kane, Cook, Du Page, De Kalb, Kendall, Grundy, Kankakee, Boone, and Winnebago Counties, Ill., and Lake County, Ind., for 180 days. Supporting shippers: (1) George A. Davis, Inc., 5440 Northwest Highway, Chicago, Ill. 60630 (C. O. Borgmeier, Treasurer); (2) Sewerage Commission of the City of Milwaukee, Post Office Box 2079, Milwaukee, Wis. 53201 (E. F. Karth, Clerk 3, Traffic Department). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 76177 (Sub-No. 314 TA), filed February 26, 1968. Applicant: BAGGETT TRANSPORTATION COMPANY, 2 South 32d Street, Birmingham, Ala. 35233. Applicant's representative: R. H. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), from Wadley, Ala., to Sylacauga and Montgomery, Ala., for tacking purposes with authority presently held by applicant under MC 76177, and from Wadley, Ala., to Atlanta, Ga., for the purpose of interline only to points beyond, for 180 days. NOTE: Applicant proposes to interline with all present connections at our present junction points. Supporting shippers: (1) Pennshire Shirt Corp., Sheraton Atlantic Hotel, Suite 465, 42 West 34th Street, New York, N.Y. 10001; (2) Wadley-Mann, Inc., Wadley, Ala. 36276; (3) Sweet Neckwear Co., 28 North Fourth Street, Minneapolis, Minn. 55401. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 87720 (Sub-No. 77 TA), filed February 26, 1968. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Star Route A, Post Office Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles, jars, jugs, and closures in containers*, from Nashua, N.H., to Niagara Falls, Rochester, Buffalo, and Syracuse, N.H., for the account of Bemis Co., Inc., for 180 days. Supporting shipper: Bemis Co., Inc., East Pepperell, Mass. 01437. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 94265 (Sub-No. 207 TA), filed February 26, 1968. Applicant: BONNEY MOTOR EXPRESS, INC., Box 12388, Thomas Corner Station, Norfolk, Va. 23502. Applicant's representative: Harry G. Buckwalter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen butter*, from Grand Rapids, Mich., to Beaver Heights, Md. (Suburb of Washington, D.C.), for 180 days. Supporting shipper: Peters Pak, 750 Plymouth Road, SE., Grand Rapids, Mich. 49506. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 114177 (Sub-No. 2 TA), filed February 26, 1968. Applicant: CONSOLIDATED DUMP TRANSPORTATION CO., INC., Post Office Box 61, Thornton, Ill. 60476. Applicant's representative:

Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in bulk, from the plantsite of the American Oil Refinery at Whiting, Ind., to Milwaukee, Wis., for 150 days. Supporting shipper: Republic Coal & Coke Co., Willoughby Tower, 8 South Michigan Avenue, Chicago, Ill. 60603. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 115311 (Sub-No. 81 TA), filed February 26, 1968. Applicant: J & M TRANSPORTATION CO., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured fertilizer compound ingredients and materials*, in bags and in bulk, from Bainbridge, Ga., to points in North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Olin Agricultural Division, Post Office Box 991, Little Rock, Ark. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 116325 (Sub-No. 53 TA), filed February 26, 1968. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant of Jones & Laughlin Steel Corp. in Putnam County, Ill., to points in Arkansas, Iowa, Kansas, Kentucky, Missouri, Oklahoma, Nebraska, and Tennessee, for 150 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230 (C. F. Coombs, Manager Traffic and Transportation). Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 127505 (Sub-No. 14 TA), filed February 26, 1968. Applicant: RALPH H. BOELK, doing business as BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Applicant's representative: R. H. Boelk, 1201 14th Avenue, Mendota, Ill. 61342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets*, radio, phonograph, or talking machine without mechanism in packages, from Tell City, Ind., to Decatur, Ill., for 180 days. Supporting shipper: General Electric Co., 2200 North 22d Street, Decatur, Ill. 62525. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 127962 (Sub-No. 1 TA), filed February 27, 1968. Applicant: JAMES W. POOLE, doing business as J. W. POOLE, Post Office Box 408, Wytheville, Va. 24382. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal threaded screws, bolts and nuts and wire in coils used in the manufacture thereof*, from Norfolk, Va., and points within 25 miles thereof, to Wytheville, Va., for 180 days. Supporting shipper: American Screw Co., Wytheville, Va. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 128205 (Sub-No. 7 TA), filed February 26, 1968. Applicant: BULKMATIC TRANSPORT COMPANY, 4141 West George Street, Schiller Park, Ill. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, (1) from Depue, Ill., to points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota; (2) from Riverdale and Colfax, Ill., to points in Indiana, Michigan, Missouri, Ohio, and Wisconsin and (3) from Des Moines, Iowa, to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: M. K. Scheuing, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128273 (Sub-No. 28 TA), filed February 26, 1968. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling and processing equipment; grain drying, processing, and storage equipment and power transmission equipment*, from La Cygne and Fort Scott, Kans., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Oklahoma, Texas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Utah, and Idaho, for 180 days. Supporting shipper: Jet Flow Manufacturing, Inc., La Cygne, Kans. 66040. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128806 (Sub-No. 4 TA), filed February 26, 1968. Applicant: NUNES TRUCKING CO., INC., 114 Liberty Street, Barrington, Ill. 60010. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, (1) from Depue, Ill., to points in Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota; (2) from Riverdale and Colfax, Ill., to points in Indiana, Michigan, Missouri, Ohio, and Wisconsin and (3) from Des Moines, Iowa, to Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: The New Jersey Zinc Co., 160 Front Street, New York, N.Y. 10038. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129725 TA, filed February 26, 1968. Applicant: LILLIAN KOPPEL, doing business as A.B.C. DRIVEAWAY, 32 North State Street, Chicago, Ill. 60602. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in driveaway service, between Chicago, Ill., on the one hand, and, on the other, points in California, Washington, Arizona, Colorado, Wyoming, Nevada, Texas, Florida, New York, New Jersey, Pennsylvania, Ohio, Minnesota, Missouri, Virginia, Michigan, Iowa, and North Carolina, for 150 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

Motor Carrier of Passengers

No. MC 50959 (Sub-No. 20 TA), filed February 27, 1968. Applicant: THE CINCINNATI, NEWPORT COVINGTON TRANSPORTATION COMPANY, 11th and Lowell Streets, Newport, Ky. 41071. Applicant's representative: John J. O'Hara, 203 Scott Street, Covington, Ky. 41011. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers, originating at or destined to the Greater Cincinnati Airport, Boone County, Ky., between the Greater Cincinnati Airport, Boone County, Ky., and Middletown, Ohio, serving the intermediate points of Fairfield and Hamilton, Ohio, from the Greater Cincinnati Airport, Boone County, Ky., over Kentucky Highway 236, thence Interstate Highway 75, thence Interstate Highway 275, thence Ohio State Highway 4 to Middletown, Ohio, and return over the same route, for 180 days. Supporting shippers: P. J. Rosiello, Innkeeper, Holiday Inn of Hamilton-Fairfield, 1670 Dixie Highway (Route 4), Fairfield, Ohio 45014; Hazel M. Brewer, Manager, Capri Motel, 3256 Dixie Highway, Hamilton, Ohio 45014;

B. J. Tillman, Vice President, The Beckett Paper Co., Hamilton, Ohio; M. Nelson Conrad, Corporate Comptroller, The Mosler Safe Co., Hamilton, Ohio 45012; Jack Rupp, Assistant Manager, Knightsbridge Services, U.S. Plywood-Champion Papers Inc., Knightsbridge, Hamilton, Ohio 45011; Paul D. Galeese, Manager, Manchester Motor Inn, Middletown, Ohio 45042; Russell Barnhart, Superintendent of Traffic, Aeronca, Inc., 1712 Germantown Road, Middletown, Ohio 45042; John N. Lind, Director of Transportation, Armco Steel Corp., Middletown, Ohio 45042. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 207 Exchange Building, Lexington, Ky. 40507.

By the Commission.

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

[F.R. Doc. 68-2776; Filed, Mar. 5, 1968; 8:50 a.m.]

[Notice 100]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 1, 1968.

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

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

No. MC-FC-70109. By order of February 28, 1968, the Transfer Board approved the transfer to Golden Strip Transfer Co., Inc., 103 Pine Knoll Drive, Greenville, S.C., of certificate in No. MC-75866, issued June 2, 1941, to John Tom Brown, doing business as J. T. Brown Drayage Co., Post Office Box 208, Greenville, S.C., authorizing the transportation of a wide variety of specified commodities, household goods, and general commodities with exceptions, from, to, or between specified points in South Carolina, Georgia, Virginia, and North Carolina.

No. MC-FC-70209. By order of February 28, 1968, the Transfer Board approved the transfer to Ned E. Bard, Leola, Pa., of certificates in Nos. MC-20723, MC-20723 (Sub-No. 1), and MC-20723 (Sub-No. 2), issued March 24, 1941, December 2, 1939, and August 20, 1940, respectively, to Elam Z. Martin, Leola, Pa., authorizing the transportation of lumber, from Philadelphia, Pa., Baltimore, Md., and Camden, N.J., to points in Lancaster County, Pa., and from Wilmington, Del., to Leola, Witmer, and Ronks, Pa.; fertilizer, from Baltimore, Md., to points in Lancaster County, Pa.; and ground oyster shells, dairy feed, and such materials as are used in the manufacture of dairy feed, from Baltimore, Md., to Leola, Witmer, Ronks, New Holland, and Hinkletown, Pa. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-70244. By order of February 28, 1968, the Transfer Board approved the transfer to Jean Foster McGarth, Deer Harbor, Wash., of the operating rights in certificate No. MC-111115, issued July 8, 1966, to William R. De Verna, doing business as Orcas Island Freight Lines, Eastsound, Wash., authorizing the transportation, over irregular routes, of general commodities, excluding those of unusual value, classes A and B explosives, household goods as defined, commodities in bulk, and those requiring special equipment, between Bellingham, Mount Vernon, and Anacortes, Wash., on the one hand, and, on the other, points on Orcas Island, Wash. Charles R. Olson, 409 Bellingham National Bank Building, Bellingham, Wash. 98225, attorney for applicants.

No. MC-FC-70275. By order of February 28, 1968, the Transfer Board approved the transfer to Illinois Short Line, Inc., Chicago, Ill., of the certificate of registration in No. MC-96328 (Sub-No. 3), issued February 4, 1964, to Paul J. Tutt, doing business at Tutt Cartage Co., Chicago, Ill., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Illinois, corresponding in scope to the service authorized by certificate of public convenience and necessity No. 7755MC dated August 15, 1962, issued by the Illinois Commerce Commission. Harold E. Marks, 208 South La Salle Street, Chicago, Ill. 60604, attorney for applicants.

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

[F.R. Doc. 68-2777; Filed, Mar. 5, 1968; 8:50 a.m.]

[Notice 99]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 29, 1968.

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

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

No. MC-FC-70159. By order of February 26, 1968, the Transfer Board approved the transfer to Gerald E. Canning, Fairbury, Nebr., of the operating rights in certificates Nos. MC-99577 (Sub-No. 1), and MC-99577 (Sub-No. 2) issued January 7, 1959, and August 12, 1960, respectively, to Henry G. Frear, doing business as Superior Transfer, Superior, Nebr., authorizing the transportation of general commodities, with the usual exceptions, between Superior, Nebr., and Hastings, Nebr., serving specified intermediate and off-route points; between Superior, Nebr., and Franklin, Nebr., serving all intermediate points, and between various other points in Nebraska, over regular routes as specified. James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508, attorney for applicants.

No. MC-FC-70212. By order of February 21, 1968, the Transfer Board approved the transfer to Elmer G. Brake, Inc., Clarksburg, W. Va., of the operating rights in certificates Nos. MC-112796, MC-112796 (Sub-No. 2), MC-112796 (Sub-No. 4), and MC-112796 (Sub-No. 6), issued January 17, 1952, February 27, 1959, August 15, 1963, and March 3, 1967, respectively, to Elmer G. Brake, doing business as Brake & Co., Clarksburg, W. Va., authorizing the transportation, as a common carrier, over irregular routes, of glassware, glass containers, and glass, from Clarksburg and Grafton, W. Va., to all points in Michigan, and from Clarksburg and Grafton, W. Va., to all points in Illinois, glass containers, from Fairmont, W. Va., to points in Illinois and Michigan, and that part of Indiana north of U.S. Highway 40, and accessory articles for glassware sets, from Clarksburg, W. Va., to points in Illinois and Michigan. D. L. Bennett, 206 First National Bank Building, 2207 National Road, Wheeling, W. Va. 26003, applicants' representative.

No. MC-FC-70245. By order of February 26, 1968, the Transfer Board approved the transfer to Bob Utgard, doing business as Utgard Trucking, New Richmond, Wis., of the operating rights in certificate No. MC-118767, corrected certificate No. MC-118767 (Sub-No. 2), and Certificates Nos. MC-118767 (Sub-No. 3), MC-118767 (Sub-No. 6), and MC-118767 (Sub-No. 7), issued October 22, 1959, December 28, 1961, February 14, 1962, November 2, 1961, and January 28, 1966, respectively, to Hartmon Trucking, Inc., St. Paul, Minn. 55106, authorizing the transportation, over irregular routes, of animal and poultry feeds, manufacturers feed ingredients, in bags, alfalfa meal and alfalfa pellets, from New Richmond, Wis., to points in Olmsted and Mower Counties, Minn., from points in Carver, Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to New Richmond, Wis., from New Richmond, Wis., to points in Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Fayette, Floyd, Franklin, Howard, Mitchell, Winnebago, Winneshiek, and Worth Counties, Iowa, and Carver, Chippewa, Dodge, Freeborn, LeSueur, McLeod, Meeker, Nicollet, Renville, Rice, Sibley, Steele, and Waseca Counties, Minn., from New Richmond, Wis., to points in Goodhue, Lacqua Parle, and Wabash Counties, Minn., from New Richmond, Wis., to points in Yellow

Medicine County and that portion of Blue Earth and Fairbault Counties, Minn., east of U.S. Highway 169 extending from Elmore to Mankato, Minn., but not including points on the highway indicated, and from New Richmond, Wis., to Dover, Eyota, Stewartville (Olmsted County), Minn., points in Mower, Fillmore, and Houston Counties, Minn., and those in Union County on and south of U.S. Highway 14. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, representative for applicants.

No. MC-FC-70270. By order of February 26, 1968, the Transfer Board approved the transfer to Billy C. Simmons, doing business as Simmons Transfer, 904 Hudson Street, Bogalusa, La., of the operating rights in certificate No. MC-107509, issued April 12, 1966, to Albert Simmons, Jr., and Billy C. Simmons, a partnership, doing business as Simmons Bros. Transfer, Bogalusa, La., authorizing the transportation, over irregular routes, of household goods, as defined, lumber, livestock, and new and used furniture, between points in Washington, St. Tammany, and Tangipahoa Parishes, La., on the one hand, and, on the other, points in that part of Mississippi on and south of U.S. Highway 80.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-2706; Filed, Mar. 4, 1968; 8:48 a.m.]

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