

FEDERAL REGISTER

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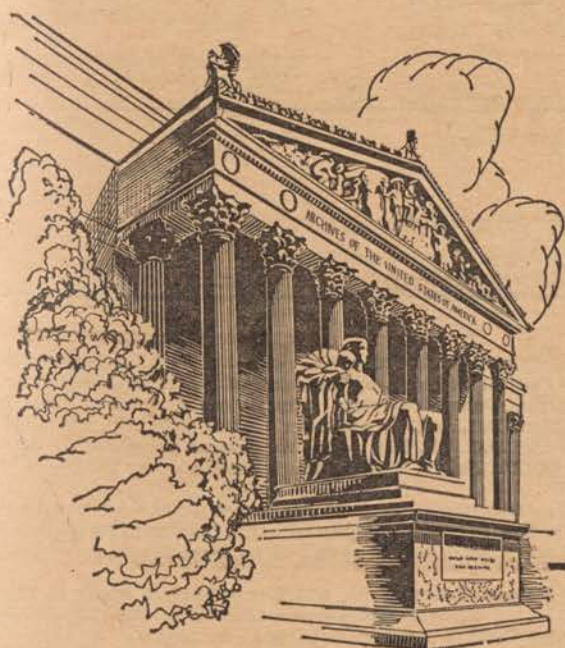
Friday, March 15, 1968 • Washington, D.C.

Pages 4555-4609

Agencies in this issue—

The President
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Food and Drug Administration
Housing and Urban Development
Department
Immigration and Naturalization
Service
Interagency Textile Administrative
Committee
Interstate Commerce Commission
Maritime Administration
Monetary Offices
National Park Service
Post Office Department
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1968)

Title 10—Atomic Energy (Revised)-----	\$1. 00
Title 13—Business Credit and Assistance (Revised)---	. 70
Title 21—Food and Drugs (Part 147—End) (Revised)--	1. 00

[A cumulative checklist of CFR issuances for 1968 appears in the first issue of the Federal Register each month under Title 1]

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Title 3—THE PRESIDENT

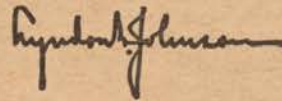
Executive Order 11401

MODIFYING EXECUTIVE ORDER NO. 6868 OF OCTOBER 9, 1934, AS AMENDED, DESIGNATING THE AUTHORITY TO CARRY OUT THE PROVISIONS OF THE DISTRICT OF COLUMBIA ALLEY DWELLING ACT

By virtue of the authority vested in me by the District of Columbia Alley Dwelling Act, as amended (D.C. Code, §§ 5-103 to 5-116, inclusive), I hereby designate the Commissioner of the District of Columbia as the Authority to carry out the provisions of the said Act. Such Authority shall be deemed a continuation of the Authority heretofore designated under Executive Order No. 6868 of October 9, 1934, as amended. In carrying out his functions as such Authority, the Commissioner shall be known as the "National Capital Housing Authority".

The Assistant to the Commissioner of the District of Columbia shall, to the extent the Commissioner may direct, act for him in carrying out the functions of the Authority, and, during the absence or disability of the Commissioner or in the event of a vacancy in the office of Commissioner, the Assistant to the Commissioner shall act as the Authority.

Executive Order No. 6868 of October 9, 1934, as amended by Executive Orders Nos. 7784-A of January 5, 1938, 8033 of January 11, 1939, 9344 of May 21, 1943, 9916 of December 31, 1947, and 10128 of June 2, 1950, is modified to the extent provided herein.



THE WHITE HOUSE,
March 13, 1968.

[F.R. Doc. 68-3239; Filed, Mar. 13, 1968; 2:56 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Grapefruit Reg. 66, Amdt. 6]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order. The provisions of § 905.495 (Grapefruit Reg. 66, 32 F.R. 12907, 16525, 17925, 33 F.R. 221, 847, 3214) are hereby amended in the following respects:

1. The provisions of paragraph (a) (1) immediately preceding subdivision (1) thereof are revised to read as follows:

(1) During the period beginning March 11, 1968, through September 8, 1968, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

2. Paragraph (a) (1) (iii) is revised to read as follows:

(iii) Any seedless grapefruit, other than pink seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1, or any pink seedless grapefruit grown in such area which do not grade at least U.S. No. 1 Golden;

3. Paragraph (a) (1) (iv) is revised to read as follows:

(iv) Any seedless grapefruit, other than pink seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2, or any pink seedless grapefruit grown in such area which do not grade at least Improved No. 2 Russet; or

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

Dated March 11, 1968, to become effective March 11, 1968.

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

[F.R. Doc. 68-3166; Filed, Mar. 14, 1968;
8:46 a.m.]

[Grapefruit Reg. 9, Amdt. 4]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of Grapefruit Regulation 9 (§ 944.105, 32 F.R. 12938, 17425, 33 F.R. 848, 3215) are hereby amended as follows:

1. Paragraph (a) is amended to read as follows:

(a) On and after March 11, 1968, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

2. Paragraph (a) (2) is amended to read as follows:

(2) Seedless grapefruit, other than pink seedless, shall grade at least Improved No. 2 and be of a size not smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

3. The following provisions are added as paragraph (a) (3) immediately after paragraph (a) (2):

(3) Pink seedless grapefruit shall grade at least Improved No. 2 Russet and be of a size not smaller than $3\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of pink seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance

with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit. ("Improved No. 2 Russet" shall mean grapefruit grading at least U.S. No. 2 Russet and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 66 (§ 905.495); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

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

Dated March 11, 1968, to become effective March 11, 1968.

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

[F.R. Doc. 68-3167; Filed, Mar. 14, 1968;
8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

The fifth sentence of subparagraph (1) Form I-151, Alien Registration Receipt Card of paragraph (b) Aliens returning to an unrelinquished lawful permanent residence of § 211.1 Visas is amended to read as follows: "An alien who proceeded abroad temporarily without a reentry permit and in whose case

subsequent to his departure from and prior to his return to the United States the Service has approved travel to, in, or through any of the other place or places named in this subparagraph for which Form I-151 is not valid may, in lieu of an immigrant visa or reentry permit, present Form I-151 together with the letter from an officer of the Service approving his travel to, in, or through the place or places named in the letter, if he is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year."

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Section 235.4 *Notations on documents* is amended by inserting the following sentence after the existing first sentence: "In the case of an alien seeking entry as a student, the name of the school he is admitted to attend shall be entered on the Form I-94 by the immigration officer."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding in alphabetical sequence the following transportation line: "Alaska Airlines, Inc."

2. The listing of transportation lines under the heading "At Montreal" in § 238.4 *Preinspection outside the United States* is amended by adding in alphabetical sequence the following transportation line: "Canadian Pacific Airlines, Limited."

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

1. The first sentence of § 343a.2 *Return or replacement of surrendered certificate of naturalization or citizenship* is amended to read as follows: "A certificate of naturalization or citizenship in a Service file which was surrendered on a finding that loss of United States nationality had occurred directly or through a parent by reason of section 404 (b) or (c) of the Nationality Act of 1940 or section 352 of the Immigration and Nationality Act and which finding is no longer valid in view of *Schneider v. Rusk*, 377 U.S. 163, or a certificate of naturalization or citizenship in a Service file which was surrendered on a finding that loss of United States nationality had occurred pursuant to section 401(e) of the Nationality Act of 1940 or section 349(a) (5) of the Immigration and Nationality Act and which finding is no longer valid in view of *Afroyim v. Rusk*, 387 U.S. 253, may be returned to the person to whom it was issued, notwithstanding the fact that he has since been naturalized or repatriated in the United States or abroad."

2. The second sentence of § 343a.2 is deleted.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the *FEDERAL REGISTER*. Compliance with the provisions of section 553 of title 5 of the United States Code (Public Law 89-554, 80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance because the amendment to § 211.1(b) (1) is clarifying in nature; the amendment to § 235.4 relates to agency procedure; the amendments to §§ 238.3(b) and 238.4 add transportation lines to the listings; and the amendment to § 343a.2 confers a benefit upon persons affected thereby.

Dated: March 11, 1968.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 68-3164; Filed, Mar. 14, 1968;
8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7, Amdt. 9]

PART 121—SMALL BUSINESS SIZE STANDARDS

Size Determinations

Section 121.3-14 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by adding new paragraphs (e) and (f) to § 121.3-14 as follows:

§ 121.3-14 Interpretations.

(e) *Section 121.3-4 of Part 121, "Application for Small Business Size Status Determination."* Contracting officers, in order to determine whether to set particular contracts aside for exclusive award to small business concerns or whether to send invitations for bids to particular concerns, may require information from SBA concerning the small business size status of such concerns and be unable to wait for a formal small business size determination. In such cases informal advice or information may be given based on the best evidence available concerning the small business size of such a concern. However, such informal advice is not a small business size determination within the meaning of that term in the Small Business Size Standards Regulation and is not binding with respect to eligibility as a small business for the purpose of a particular Government procurement. Further, an opinion as to a concern's future small business size status, based on proposed but unexecuted changes in its organization, management or contractual relations, is not a small business size determination.

(f) *Section 121.3-6 of Part 121, "Appeals."* The Size Appeals Board only has jurisdiction to consider appeals from formal determinations as to a concern's small business size status. It has no jurisdiction to consider an appeal from an informal opinion or advice concerning a company's small business size status, an opinion as to a company's future small business size status based on proposed but unexecuted changes in its organization, management or contractual relations, or an appeal based on an allegation that the small business size standard established by SBA for a particular industry or field of operation is improper for the purpose intended.

NOTE: In accordance with 5 U.S.C. 553, notice of and public procedure on, this amendment to Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is omitted as it contains only interpretive rules.

Dated: March 8, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68-3162; Filed, Mar. 14, 1968;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-CE-158]

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

Designation of Federal Airway

On January 5, 1968, a notice of proposed rule making was published in the *FEDERAL REGISTER* (33 F.R. 150) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Dubois, Idaho, to Drummond, Mont., via Bozeman, Mont.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 23, 1968, as hereinafter set forth.

Section 71.123 (33 F.R. 2009) is amended by adding the following:

V-343 From Dubois, Idaho, 12 AGL Bozeman, Mont., 51 miles, 12 AGL, 34 miles, 103 MSL, 84 MSL Drummond, Mont.

(Sec. 807(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

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

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

[F.R. Doc. 68-3202; Filed, Mar. 14, 1968;
8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8753; Amdt. 586]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BUC VORTAC.....	Elkins LFR.....	Direct.....	5000	T-d%.....	1000-2	1000-2	1000-2
				T-n.....	NA	NA	NA
				C-d.....	2000-2	2000-2	2000-2
				C-n.....	NA	NA	NA
				A-d.....	2000-3	2000-3	2000-3
				A-n.....	NA	NA	NA

Procedure turn W side of crs, 354° Outbnd, 174° Inbnd, 4700' within 10 miles.

Minimum altitude over facility on final approach crs, 4300'.

Crs and distance, facility to airport, 177°-2.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing EN LFR, climb to 6000' on S crs within 10 miles, make right turn to EN LFR, hold on N crs 174° bearing Inbnd, 1-minute right turns.

AIR CARRIER NOTE: Night operations not authorized. Sliding scale not authorized. No reduction in minimums authorized due to local conditions. No reduction in take-off minimums authorized.

% Takeoffs all runways: Climb direct to EN LFR, then via 042° bearing to intercept the BUC VOR R 074°, then continue climb on R 074°.

MSA within 25 miles of facility: N crs to E crs, 5800'; E crs to S crs, 6100'; S crs to W crs, 5900'; W crs to N crs, 4500'.

City, Elkins; State, W. Va.; Airport name, Elkins-Randolph County; Elev., 1987'; Fac. Class., SBMRZ; Ident., EN; Procedure No. LFR-1, Amdt. 6; Eff. date, 4 Apr. 68; Sup. Amdt. No. 5; Dated, 22 July 67

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
EPH VOR.....	OMK NDB.....	Direct.....	6800	T-dn%.....	2200-2	2200-2	2200-2
				C-d*.....	2200-2	2200-2	2200-2
				C-n*.....	2200-3	2200-3	2200-3
				A-dn#.....	4000-5	4000-5	4000-5

Procedure turn W side of crs, 155° Outbnd, 335° Inbnd, 5000' within 10 miles.

Minimum altitude over facility on final approach crs, 3501'.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of OMK NDB, make climbing left turn, climb to 5000' on crs, 155° Outbnd, 335° Inbnd, within 10 miles of OMK NDB.

% Climb visually over the airport to 3500'. Climb 155° bearing OMK NDB to en route altitude.

% OMK altimeter setting not available, use Ephrata altimeter setting. Authorized circling minimums increased 400' when Ephrata altimeter setting used.

#Alternate minimums not authorized except for those with approved weather reporting service.

MSA within 25 miles of facility: 000°-090°-8300'; 090°-180°-7800'; 180°-270°-8900'; 270°-360°-9300'.

City, Omak; State, Wash.; Airport name, Omak; Elev., 1301'; Fac. Class., H; Ident., OMK; Procedure No. NDB(ADF)-1, Amdt. 2; Eff. date, 4 Apr. 68; Sup. Amdt. No. 1; Dated, 29 July 67

RULES AND REGULATIONS

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200-1½
				C-dn.....	800-1	800-1	800-1½
				S-dn.....	NA	NA	NA
				A-dn.....	NA	NA	NA
				#The following minimums apply if Red Bank, N.J., operation altimeter issued by WRI APC:			
				C-dn.....	600-1	600-1	600-1½

COL VORTAC holding pattern, 190° Inbnd, 010° Outbnd, right turns, 1900'.

Minimum altitude over facility on final approach crs, 1900'.

Crs and distance, facility to airport, 178°—7.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing COL VOR, make a right-climbing turn, proceed direct to COL VOR climbing to 1900', hold N, R 010°, 1-minute right turns.

#Red Bank operations altimeter normally available 0600-2400 daily.

MSA within 25 miles of facility: 000°-090°—2000'; 090°-360°—1600'.

City, Belmar; State, N.J.; Airport name, Monmouth County; Elev., 155'; Fac. Class., L-VORTAC; Ident., COL; Procedure No. VOR-1, Amdt. 5; Eff. date, 4 Apr. 68; Sup. Amdt. No. 4; Dated, 3 Sept. 66

BUC VORTAC.....	Lost Creek Int.....	Direct.....	4000	T-dn.....	300-1	300-1	200-1½
Lost Creek Int.....	CKB VOR (final).....	Direct.....	2600	C-dn.....	700-1	700-1	700-1½
				A-dn.....	NA	NA	NA

Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 3300' within 10 miles. Nonstandard due to terrain.

Minimum altitude over facility on final approach crs, 2600'.

Crs and distance, facility to airport, 040°—2.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.9 miles after passing CKB VOR, climb to 3300' on R 040° CKB VOR within 10 miles and return to CKB VOR. Hold SW on R 220° at 3300', 1-minute left turns, 040° Inbnd.

AIR CARRIER NOTE: Sliding scale not authorized.

CAUTION: 2049' antenna, 3.5 miles NW of CKB VOR.

*Alternate weather minimums of 1000'—2 miles authorized for those who have approved arrangement for weather service at the airport.

MSA within 25 miles of facility: 000°-090°—4000'; 090°-180°—5200'; 180°-270°—4000'; 270°-360°—3100'.

City, Clarksburg; State, W. Va.; Airport name, Benedum; Elev., 1209'; Fac. Class., BVOR; Ident., CKB; Procedure No. VOR-1, Amdt. 3; Eff. date, 4 Apr. 68; Sup. Amdt. No. 2; Dated, 12 Dec. 64

				T-d%.....	1000-2	1000-2	1000-2
				T-n.....	NA	NA	NA
				C-d.....	2000-2	2000-2	2000-2
				C-n.....	NA	NA	NA
				A-d.....	2500-3	2500-3	2500-3
				A-n.....	NA	NA	NA

Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 4500' within 10 miles.

Minimum altitude over facility on final approach crs, 4000'.

Crs and distance, facility to airport, 102°—11.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make immediate left-climbing turn to 5000' to BUC VOR, hold W, 1-minute right turns, 089° Inbnd.

CAUTION: Obstructions reaching 3490', 3 miles W of airport.

AIR CARRIER NOTE: Night operations not authorized. Sliding scale not authorized. No reduction in landing visibility for local conditions. No reduction in takeoff minimums authorized.

%Takeoffs all runways: Climb direct to EN LFR, then via 042° bearing to intercept the BUC VOR R 074°, then climb on R 074°.

MSA within 25 miles of facility: 000°-090°—5100'; 090°-180°—6100'; 180°-270°—5000'; 270°-360°—3300'.

City, Elkins; State, W. Va.; Airport name, Elkins-Randolph County; Elev., 1987'; Fac. Class., L-BVORTAC; Ident., BUC; Procedure No. VOR-1, Amdt. 3; Eff. date, 4 Apr. 68; Sup. Amdt. No. 2; Dated, 22 July 67

				T-d.....	300-1	300-1	NA
				C-d.....	800-1	800-1	NA
				S.....	NA	NA	NA
				A.....	NA	NA	NA
				#The following minimums apply if Red Bank, N.J., operations altimeter issued by WRI APC:			
				C-d.....	600-1	600-1	NA

COL VORTAC holding pattern, 190° Inbnd, 010° Outbnd, right turns, 1900'.

Minimum altitude over facility on final approach crs, 1900'.

Crs and distance, facility to airport, 162°—6.3 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing COL VOR, make right-climbing turn, proceed direct to COL VOR, climbing to 1900'. Hold N, R 010°, 1-minute right turns.

#Red Bank operations altimeter normally available 0600-2400 daily.

MSA within 25 miles of facility: 000°-090°—2000'; 090°-360°—1600'.

City, Neptune; State, N.J.; Airport name, Asbury Park-Neptune; Elev., 110'; Fac. Class., L-VORTAC; Ident., COL; Procedure No. VOR-1, Amdt. 2; Eff. date, 4 Apr. 68; Sup. Amdt. No. 1; Dated 20 Aug. 68

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	NA
				C-dn.....	700-1	700-1	
				S-dn-9.....	700-1	700-1	
				A-dn.....	NA	NA	
				#The following minimums apply if Red Bank, N.J., operation altimeter issued by WRI APC:			
				C-dn.....	500-1	500-1	
				S-dn-9.....	500-1	500-1	

COL VORTAC holding pattern, 086° Inbnd, 266° Outbnd, right turns, 1400'.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 086°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing COL VOR, make a right-climbing turn proceed direct to COL VOR, climbing to 1900'. Hold W, COL VOR R 266°, 1-minute right turns.
#Red Bank operations altimeter normally available 0600-2400 daily.
MSA within 25 miles of facility: 000°-090°—2000'; 090°-360°—1600'.
City, Red Bank; State, N.J.; Airport name, Red Bank; Elev., 80'; Fac. Class., L-BVORTAC; Ident., COL; Procedure No. VOR Runway 9, Amdt. 6; Eff. date, 4 Apr. 68; Sup. Amdt. No. 5; Dated, 1 July 67

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

- Gulkana, Alaska—Gulkana, LFR 1, Amdt. 7, 16 Jan. 1965 (established under Subpart C).
- Middletown, Ohio—Hook Field Municipal, ADF 1, Amdt. 3, 5 Sept. 1964 (established under Subpart C).
- Pensacola, Fla.—Pensacola Municipal (Hagler), ADF 2, Amdt. 5, 18 June 1966 (established under Subpart C).
- Pensacola, Fla.—Pensacola Municipal (Hagler), NDB (ADF) Runway 16, Amdt. 12, 15 July 1967 (established under Subpart C).
- Alexandria, La.—Esler Field, VOR 1, Amdt. 5, 9 Apr. 1966 (established under Subpart C).
- Alexandria, La.—Esler Field, VOR 2, Amdt. 6, 5 Nov. 1966 (established under Subpart C).
- Centralia, Ill.—Municipal, VOR 1, Amdt. 5, 24 Aug. 1963 (established under Subpart C).
- Chanute, Kans.—Chanute Martin Johnson, VOR 1, Amdt. 1, 30 June 1962 (established under Subpart C).
- Rolla, Mo.—Rolla National, VOR 1, Amdt. 1, 5 Jan. 1963 (established under Subpart C).

3. By amending § 97.21 of Subpart C to establish low or medium frequency range (L/MF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LFR

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

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	
Gulkana VOR.....	Gulkana LFR.....	Direct.....	3200	MAP: 2 miles after passing GKN LFR. Climb to 3200' right turn on NW crs within 15 miles. Supplementary charting information: Antenna on airport in building area 320' W of Runway 14, 1696'.

Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 3200' within 10 miles of GKN LFR.
FAF, GKN LFR. Final approach crs, 143°. Distance FAF to MAP, 2 miles.
Minimum altitude over GKN LFR, 2500'.
MSA: N, 4000'; E, 13,000'; S, 5800'; W, 4200'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	2020	1	442	2020	1	442	2020	1½	442	2120	2	542
A.....	Standard.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.				

City, Gulkana; State, Alaska; Airport name, Gulkana; Elev., 1578'; Facility, GKN; Procedure No. LFR Runway 14, Amdt. 8; Eff. date, 4 Apr. 68; Sup. Amdt. No. LFR 1 Amdt. 7; Dated, 16 Jan. 65

4. By amending § 97.23 of Subpart C to establish very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

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

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

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 3 miles after passing ESF VOR.
AEX VOR.....	ESF VOR.....	Direct.....	1700	Climb to 1700' left turn direct to ESF VOR. Supplementary charting information: TDZ elevation, 108'.
AEX NDB.....	ESF VOR.....	Direct.....	1700	
Boyce Int.....	ESF VOR.....	Direct.....	1700	
Larto Int.....	ESF VOR.....	Direct.....	1700	
V-114, V-114N.....	ESF VOR.....	ESF R 148°.....	1700	
Van Int.....	ESF VOR (NOPT).....	Direct.....	1000	

Procedure turn E side of crs. 331° Outbnd, 151° Inbnd, 1700' within 10 miles of ESF VOR.

FAF, ESF VOR. Final approach crs. 151°. Distance FAF to MAP, 3 miles.

Minimum altitude over ESF VOR, 1000'.

MSA: 150°-240°-2700'; 240°-150°-1600'.

NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14.....	500	1	392	500	1	392	500	1	392	500	1	392
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	540	1	432	560	1	452	560	1½	452	660	2	552
A.....	Standard.		T 2-eng. or less—Standard.						T over 2-eng.—Standard.			

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Facility, ESF; Procedure No. VOR Runway 14, Amdt. 6; Eff. date, 4 Apr. 68; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 9 Apr. 66

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 3.8 miles after passing Cox Int.
AEX VOR.....	ESF VOR.....	Direct.....	1700	Climb to 1700' direct ESF VOR, hold NW on ESF R 331° left turns. Supplementary charting information: TDZ elevation, 92'.
AEX NDB.....	ESF VOR.....	Direct.....	1700	
Boyce Int.....	ESF VOR.....	Direct.....	1700	
Larto Int.....	ESF VOR.....	Direct.....	1700	
V-114.....	Marks Int.....	AEX 119/ESF 148.....	1700	
Marks Int.....	Salt Int.....	Direct.....	1700	
Salt Int.....	Cox Int (NOPT).....	Direct.....	1300	

Procedure turn E side of crs. 148° Outbnd, 328° Inbnd, 1600' within 10 miles of Cox Int.

FAF, Cox Int. Final approach crs. 328°. Distance FAF to MAP, 3.8 miles.

Minimum altitude over Cox Int, 1300'.

MSA: 150°-240°-2700'; 240°-150°-1600'.

NOTE: Radar vectoring.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34.....	480	1	388	480	1	388	480	1	388	480	1	388
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	540	1	432	560	1	452	560	1½	452	660	2	552
A.....	Standard.		T 2-eng. or less—Standard.						T over 2-eng.—Standard.			

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108'; Facility, ESF; Procedure No. VOR Runway 32, Amdt. 7; Eff. date, 4 Apr. 68; Sup. Amdt. No. VOR 2, Amdt. 6; Dated, 5 Nov. 66

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 6.1 miles after passing ENL VOR TAC.
				Climb to 2100', right turn to ENL VOR TAC.

Procedure turn E side of crs, 207° Outbnd, 027° Inbnd, 2100' within 10 miles of ENL VORTAC.
FAF, ENL VORTAC. Final approach crs, 027°. Distance FAF to MAP, 6.1 miles.
Minimum altitude over ENL VORTAC, 2100'.
MSA: 000°-090°-2100'; 090°-270°-2400'; 270°-360°-1900'.
NOTE: Use Vandalla altimeter setting.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT		VIS			VIS	
S-36.....	1040	1	506	1040	1	506		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA						
C.....	1040	1	506	1040	1	506		NA			NA	
A.....	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Not authorized.					

City, Centralia; State, Ill.; Airport name, Municipal; Elev., 534'; Facility, ENL; Procedure No. VOR Runway 36, Amdt. 6; Eff. date, 4 Apr. 68; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 24 Aug. 63

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 5.7 miles after passing CNU VOR.
				Climbing right turn to 2600' direct to CNU VOR.

Procedure turn S side of crs, 236° Outbnd, 056° Inbnd, 2600' within 10 miles of CNU VOR.
FAF, CNU VOR. Final approach crs, 056°. Distance FAF to MAP, 5.7 miles.
Minimum altitude over CNU VOR, 2500'.
MSA: 000°-090°-2600'; 090°-180°-2500'; 180°-270°-2600'; 270°-360°-2500'.
*Night visibility minimum 1½.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA		VIS			VIS			VIS	
C.....	1480	*1	479		NA			NA			NA	
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Chanute; State, Kans.; Airport name, Chanute Martin Johnson; Elev., 1001'; Facility, CNU; Procedure No. VOR-1, Amdt. 3; Eff. date, 4 Apr. 68; Sup. Amdt. No. VOR 1, Amdt. 1; Dated, 30 June 62

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: GKN VOR.
Gulkana LFR.....	Gulkana VOR.....	Direct.....	3200	Climb to 3200' right turn to R 315° GKN VOR within 15 miles. Supplementary charting information: Antenna on airport in building area 320' west of Runway 14, 1696'.

Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 3200' within 10 miles of GKN VOR.
Final approach crs, 135°. Distance FAF to MAP, 15 miles.
Minimum altitude abeam GKN LFR, 2200'.
MSA: 020°-110°-13,000'; 110°-290°-5800'; 290°-020°-3700'.

RULES AND REGULATIONS

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	2200	1	622	2200	1	622	2200	1	622	2200	1½	622
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2200	1	622	2200	1	622	2200	1½	622	2200	2	622
	VOR/LFR Minimums:											
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-14	1980	1	402	1980	1	402	1980	1	402	1980	1	402
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	422	2020	1	442	2020	1½	442	2120	2	542
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Gulkana; State, Alaska; Airport name, Gulkana; Elev., 1578'; Facility, GKN; Procedure No. VOR Runway 14, Amdt. Orig.; Eff. date, 4 Apr. 68

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: GKN VOR.
Gulkana LFR	Gulkana VOR	Direct	3200	Climb to 3200' left turn on R 315° within 15 miles. Supplementary charting information: Antenna on airport in building area 320' west of Runway 14 1696'.

Procedure turn W side of crs, 153° Outbnd, 333° Inbnd, 3200' within 10 miles of GKN VOR.

Final approach crs, 333°.

Minimum altitude over GKN VOR, 1960'.

MSA: 020°-110°-13,000'; 110°-290°-6800'; 290°-020°-3700'.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-32	1960	1	382	1960	1	382	1960	1	382	1960	1	382
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	2000	1	422	2020	1	442	2020	1½	442	2120	2	542
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Gulkana; State, Alaska; Airport name, Gulkana; Elev., 1578'; Facility, GKN; Procedure No. VOR Runway 32, Amdt. Orig.; Eff. date, 4 Apr. 68

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 2.9 miles after passing VIH VORTAC.
				Climb to 2700', right turn to VIH VORTAC.

Procedure turn N side of crs, 061° Outbnd, 241° Inbnd, 2700' within 10 miles of VIH VORTAC.

FAF, VIH VORTAC. Final approach crs, 241°. Distance FAF to MAP, 2.9 miles.

Minimum altitude over VIH VORTAC, 2000'.

MSA: 090°-270°-2600'; 270°-090°-2400'.

NOTE: Inoperative table does not apply to HIRL Runway 22.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-22	1440	1	292	1440	1	292	1440	1	292		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1500	1	352	1600	1	452	1600	1½	452		NA	
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Rolla; State, Mo.; Airport name, Rolla National; Elev., 1148'; Facility, VIH; Procedure No. VOR Runway 22, Amdt. 2; Eff. date, 4 Apr. 68; Sup. Amdt. No. VOR 14 Amdt. 1; Dated, 5 Jan. 63

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	
CRP VORTAC. R 090°, CRP VORTAC clockwise.	Wendell DME Fix (NOPT) R 054°, CRP VORTAC (NOPT)	R 054°, CRP 10-mile arc CRP, R 043° lead radial.	1600 1500	MAP: 23.8-mile DME CRP, R 054°. Climb to 1600' left turn to R 045° CRP VORTAC to Copano Int. Supplementary charting information: MIRL on Runways 14-32 only.

Procedure turn not authorized.

FAF, Wendell 18-mile DME Fix. Final approach crs, 054°. Distance FAF to MAP, 5.8 miles.

Minimum altitude over Wendell, 18-mile DME Fix, R 054°, 1600'.

MSA: 000°-090°-1400'; 090°-180°-1400'; 180°-270°-2100'; 270°-360°-1500'.

Notes: (1) Radar vectoring. (2) Use Corpus Christi altimeter setting when Aransas County altimeter setting not available.

*Circling and straight-in MDA increased to 500' when Aransas County altimeter setting is not used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		VIS	
C	380	1	355	480	1	455	480	1½	455		NA	
A	Not authorized.			T 2-eng. or less—Standard MIRL Runways 14-32 only.			T over 2-eng.—Standard MIRL Runways 14-32 only.					

City, Rockport; State, Tex.; Airport name, Aransas County; Elev., 25'; Facility, CRP; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 4 Apr. 68

5. By amending § 97.25 of Subpart C to establish localizer (LOC) and localizer-type directional aid (LDA) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE LOC

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

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

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	
Liberty Int. HKF NDB. Mount Holly Int. Lytle Int.	MW LOM MW LOM MW LOM MW LOM	Direct Direct Direct Direct	3000 2500 2500 2500	MAP: 4 miles after passing MW LOM. Make right-climbing turn to 2500', return to MW LOM and hold. Supplementary charting information: Hold NE, 1-minute left turns, 230° Inbnd. TDZ elevation, 647'.

Procedure turn S side of crs, 050° Outbnd, 230° Inbnd, 2500' within 10 miles of MW LOM.

FAF, MW LOM. Final approach crs, 230°. Distance FAF to MAP, 4 miles.

Minimum altitude over MW LOM, 2000'.

MSA: 060°-150°-2500'; 150°-240°-2800'; 240°-330°-2500'; 330°-060°-3100'.

Notes: (1) Radar vectoring. (2) Use Dayton altimeter setting.

CAUTION: 880' smoke stack SW of airport. 1485' tower 3 miles E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
B-23	1140	1	493	1140	1	493	1140	1	493		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C	1300	1	653	1300	1	713	1300	1½	713		NA	
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 647'; Facility, I-MWO; Procedure No. LOC Runway 23, Amdt. Orig.; Eff. date, 4 Apr. 68

RULES AND REGULATIONS

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 1.8 miles after passing PNS NDB.
NUN VOR.....	PNS NDB.....	Direct.....	1700	Climb to 1700' on N Crs PNS LOC or, when directed by ATC, turn right, climb to 2000' on R 054° of NUN VOR. Supplementary charting information: TDZ elevation, 95'.

Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 1700' within 10 miles of PNS NDB.

FAF, PNS NDB. Final approach crs, 343°. Distance FAF to MAP, 1.8 miles.

Minimum altitude over PNS NDB, 700'.

MSA within 25 miles of PNS NDB: 000°-180°-1600'; 180°-360°-2400'.

NOTE: Radar vectoring.

CAUTION: (1) Warning area 10 miles S of PNS NDB. (2) Extensive VFR student training activity all quadrants.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34.....	440	1	345	440	1	345	440	1	345	440	1	345
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	480	1	362	580	1	462	580	1½	462	680	2	502
A.....	Standard.		T 2-eng. or less—Standard.						T over 2-eng.—Standard.			

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 118'; Facility, I-PNS; Procedure No. LOC (BC) Runway 34, Amdt. Orig.; Eff. date, 4 Apr. 68

6. By amending § 97.27 of Subpart C to establish nondirectional beacon (automatic direction finder) (NDB/ADF) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE-TYPE NDB (ADF)

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

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

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 4.4 miles after passing NDB.
RMT VOR.....	PGV NDB.....	Direct.....	1500	Make climbing right turn to 1500', return direct to NDB, hold N 192° Inbnd, right turns. Supplementary charting information: Antenna 948', 3.5 miles S of airport.
ISO VOR.....	PGV NDB.....	Direct.....	1900	
Zang Int.....	PGV NDB (NOPT).....	Direct.....	1500	

Procedure turn W side of crs, 012° Outbnd, 192° Inbnd, 1500' within 10 miles of PGV NDB.

FAF, PGV NDB. Final approach crs, 192°. Distance FAF to MAP, 4.4 miles.

Minimum altitude over PGV NDB, 1500'.

MSA: 090°-270°-2600'; 270°-090°-1500'.

NOTES: (1) Use RMT altimeter setting. (2) Night operations authorized Runways 7-25 only.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT		VIS			VIS	
S-19.....	640	1	615	640	1	615		NA			NA	
	MDA	VIS	HAA	MDA	VIS	HAA						
C.....	640	1	615	640	1	615		NA			NA	
A.....	Not authorized.		T 2-eng. or less—Standard.					T over 2-eng.—Standard.				

City, Greenville; State, N.C.; Airport name, Pitt-Greenville; Elev., 25'; Facility, PGV; Procedure No. NDB (ADF) Runway 19, Amdt. Orig.; Eff. date, 4 Apr. 68

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 2.6 miles after passing HKF NDB.
Liberty Int.	HKF NDB	Direct	3000	Make left-climbing turn to 2700', return to HKF NDB and hold. Supplementary charting information: Hold S, 1-minute right turns, 052° Inbnd. TDZ elevation, 647'.
Mount Holly Int.	HKF NDB	Direct	2500	
MW LOM	HKF NDB	Direct	2500	
Lytle Int.	HKF NDB	Direct	2500	

Procedure turn S side of crs, 232° Outbnd, 052° Inbnd, 2500' within 10 miles of HKF NDB.
FAF, HKF NDB. Final approach crs, 052°. Distance FAF to MAP, 2.6 miles.
Minimum altitude over HKF NDB, 1500'.
MSA: 000°-090°-3100'; 090°-180°-2800'; 180°-270°-2800'; 270°-360°-2400'.
NOTES: (1) Radar vectoring. (2) Use Dayton altimeter setting.
CAUTION: 895' smoke stack SW of airport, 1485' tower 3 miles E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS
S-5	1300	1	653	1300	1	653	1300	1½	653		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	1300	1	653	1360	1	713	1360	1½	713		NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.				

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 647'; Facility, HKF; Procedure No. NDB (ADF) Runway 5, Amdt. 4; Eff. date, 4 Apr. 68; Sup. Amdt. No. ADF1, Amdt. 3; Dated, 5 Sept. 64

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 4 miles after passing MW LOM.
Liberty Int.	MW LOM	Direct	3000	Make right-climbing turn to 2500', return to MW LOM, and hold. Supplementary charting information: Hold NE, left turns, 230° Inbnd. TDZ elevation, 647'.
HKF NDB	MW LOM	Direct	2500	
Mount Holly Int.	MW LOM	Direct	2500	
Lytle Int.	MW LOM	Direct	2500	

Procedure turn S side of crs, 050° Outbnd, 230° Inbnd, 2500' within 10 miles of MW LOM.
FAF, MW LOM. Final approach crs, 230°. Distance FAF to MAP, 4 miles.
Minimum altitude over MW LOM, 2000'.
MSA: 090°-150°-2500'; 150°-240°-2800'; 240°-330°-2500'; 330°-090°-3100'.
NOTES: (1) Radar vectoring. (2) Use Dayton altimeter setting.
CAUTION: 895' smoke stack SW of airport, 1485' tower 3 miles E of airport.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D	
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS
S-23	1340	1	693	1340	1	693	1340	1½	693		NA
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA		
C	1340	1	693	1360	1	713	1360	1½	713		NA
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.				

City, Middletown; State, Ohio; Airport name, Hook Field Municipal; Elev., 647'; Facility, MW; Procedure No. NDB (ADF) Runway 23, Amdt. Orig.; Eff. date, 4 Apr. 68

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 4.3 miles after passing PN LOM.
NUN VOR.....	PN LOM.....	Direct.....	1700	Climb to 1700' on crs 163° from PN LOM within 10 miles or, when directed by ATC, climb to 1700' on crs 100° from PNS NDB.
PNS NDB.....	PN LOM.....	Direct.....	1700	
Gonzales Int.....	PN LOM (NOPT).....	Direct.....	1500	
Harold Int.....	PN LOM.....	Direct.....	1700	
Elberta Int.....	PN LOM.....	Direct.....	1700	

Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 1700' within 10 miles of PN LOM.

FAF, PN LOM. Final approach crs, 163°. Distance FAF to MAP, 4.3 miles.

Minimum altitude over PN LOM, 1500'.

MSA within 25 miles of PN LOM: 000°-180°-1600'; 180°-360°-2400'.

NOTE: Radar vectoring.

CAUTION: (1) Warning area 10 miles S of PNS NDB. (2) Extensive VFR student training all quadrants.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16.....	520	¾	400	520	¾	400	520	¾	400	580	1	460
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	520	1	402	580	1	462	580	1½	462	680	2	562
A.....	Standard.		T 2-eng. or less—Standard.						T over 2-eng.—Standard.			

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 118'; Facility, PN; Procedure No. NDB (ADF) Runway 16, Amdt. 13; Eff. date, 4 Apr. 68; Sup. Amdt. No. 12; Dated, 15 July 67

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: 1.8 miles after passing PNS NDB.
NUN VOR.....	PNS NDB.....	Direct.....	1700	Climb to 1700' on 343° bearing from PNS NDB or, when directed by ATC, turn right, climb to 1700' on bearing 030° from PNS NDB. Supplementary charting information: TDZ elevation, 95'.
Harold Int.....	PNS NDB.....	Direct.....	1700	

Procedure turn E side of crs, 163° Outbnd, 343° Inbnd, 1700' within 10 miles of PNS NDB.

FAF, PNS NDB. Final approach crs, 343°. Distance FAF to MAP, 1.8 miles.

Minimum altitude over PNS NDB, 700'.

MSA within 25 miles of PNS NDB: 000°-180°-1600'; 180°-360°-2400'.

NOTE: Radar vectoring.

CAUTION: (1) Warning area 10 miles S of PNS NDB. (2) Extensive VFR student training all quadrants.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-34.....	500	1	405	500	1	405	500	1	405	540	1	445
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	500	1	382	580	1	462	580	1½	462	680	2	562
A.....	Standard.		T 2-eng. or less—Standard.						T over 2-eng.—Standard.			

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 118'; Facility, PNS; Procedure No. NDB (ADF) Runway 34, Amdt. 6; Eff. date, 4 Apr. 68; Sup. Amdt. No. ADF 2, Amdt. 5; Dated, 18 June 66

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: RKP NDB.
Copano Int.	RKP NDB	Direct	1500	Climb to 1500' right turn return to RKP NDB. Supplementary charting information: MRL on Runways 14-32 only.
Bayside Int.	RKP NDB	Direct	1500	
Woodboro Int.	RKP NDB	Direct	1500	
Austwell Int.	RKP NDB	Direct	1500	

Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 1500' within 10 miles of RKP NDB.

Final approach crs, 125°.

Minimum altitude over RKP NDB, 440'.

MSA: 000°-090°, 1300'; 090°-180°, 1400'; 180°-270°-1400'; 270°-360°-1700'.

Notes: (1) Radar vectoring. (2) Use Corpus Christi altimeter setting if Aransas County altimeter setting not available.

*Circling and straight-in MDA increased to 540' when Aransas County altimeter setting is not used.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT		VIS	
S-14*	440	1	415	440	1	415	440	1	415		NA	
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA			
C*	440	1	415	480	1	455	480	1½	455		NA	
A	Not authorized.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Rockport; State, Tex.; Airport name, Aransas County; Elev., 25'; Facility, RKP; Procedure No. NDB (ADF) Runway 14, Amdt. Orig.; Eff. date, 4 Apr. 68

7. By amending § 97.29 of Subpart C to establish instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

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

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

Terminal routes				Missed approach
From	To	Via	Minimum altitudes (feet)	MAP: ILS DH 318'. LOC 4.3 miles after passing PN LOM.
NUN VOR	PN LOM	Direct	1700	Climb to 1700' on S crs of PNS LOC within 10 miles or, when directed by ATC, climb to 2000' on R 100° of the NUN VOR.
PNS NDB	PN LOM	Direct	1700	
Gonzales Int.	PN LOM (NOPT)	Direct	1500	
Harold Int.	PN LOM	Direct	1700	
Elberta Int.	PN LOM	Direct	1700	

Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 1700' within 10 miles of PN LOM.

FAP, PN LOM. Final approach crs, 163°. Distance FAP to MAP, 4.3 miles.

Minimum glide slope interception altitude, 1500'. Glide slope altitude at OM, 1428'; at MM, 322'.

Distance to runway threshold at OM, 4.3 miles; at MM, 0.5 mile.

MSA within 25 miles of PN LOM: 000°-180°-1600'; 180°-360°-2400'.

NOTE: Radar vectoring.

CAUTION: (1) Warning area 10 miles S of PNS NDB. (2) Extensive VFR student training all quadrants.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT	DH	VIS	HAT
S-16	318	½	200	318	½	200	318	½	200	318	½	200
LOC	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT	MDA	VIS	HAT
S-16	480	½	362	480	½	362	480	½	362	480	¾	362
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C	480	1	362	580	1	462	580	1½	462	680	2	562
A	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagley); Elev., 118'; Facility, I-PNS; Procedure No. ILS Runway 16, Amdt. Orig.; Eff. date, 4 Apr. 68

8. By amending § 97.31 of Subpart C to establish precision approach radar (PAR) and airport surveillance radar (ASR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

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

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approach minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at Pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes (sectors and distances measured from radar antenna)											Notes	
From	To	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance	Altitude	Distance		Altitude
												1. Radar antenna site at Tampa International airport. 2. Final approach 340° to airport reference point. FAF 5 miles from reference point. 3. Radar will provide 1000' vertical separation with 3-mile radius of radio towers 1135', 15.7 miles SE and 1649', 17.7 miles SE. 4. Alternate minimums not authorized when control zone not effective.

As established by Tampa ASR Minimum altitude vectoring chart.
Missed approach: Climb to 1600' direct to PIE VORTAC or on 340° heading within 10 miles.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA		VIS		VIS		
C.....	800	1	793	800	1½	793						
A.....	Standard.		T 2-eng or less—Standard.					T over 2-eng.				

City, St. Petersburg; State, Fla.; Airport name, Albert Whitted; Elev., 7'; Facility, Tampa Radar; Procedure No. Radar-1, Amdt. Orig.; Eff. date, 4 Apr. 68

These procedures shall become effective on the dates specified therein.

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

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

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

[F.R. Doc. 68-2712; Filed, Mar. 14, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Applesauce; Standards of Identity and Fill of Container

In the matter of establishing a definition and standard of identity and a standard of fill of container for canned applesauce:

The Commissioner of Food and Drug, on his own initiative, published a notice of proposed rule making in the above-identified matter in the FEDERAL REGISTER of May 17, 1967 (32 F.R. 7342).

In response to the proposal, comments were received from 14 firms engaged in the manufacture of applesauce and from the National Canners Association. None of these opposed the establishment of standards for applesauce; however, most urged some changes in the proposed standards and some requested the establishment of additional standards. Some of these suggestions have been adopted.

Inquiry was made as to whether or not the proposal was intended to include strained applesauce marketed as baby food. The Commissioner intended the proposal to include all applesauce that purports to be or is represented as the food defined by the standard regardless of the size or type of container in which it is marketed.

Based on the comments received and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity and a standard of fill of container for canned applesauce as set forth below. Accordingly, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner (21 CFR 2.120): It is ordered, That Part 27 be amended by adding thereto the following new sections:

§ 27.80 Canned applesauce; identity; label statement of optional ingredients.

(a) Canned applesauce is the food prepared from comminuted or chopped apples (*Pyrus malus*), which may or may

not be peeled and cored, and which may have added thereto one or more of the optional ingredients specified in paragraph (b) of this section. The apple ingredient is heated and, in accordance with good manufacturing practices, bruised apple particles, peel, seed, core material, carpel tissue, and other coarse, hard, or extraneous materials are removed. The food is sealed in containers. It is so processed by heat, either before or after sealing, as to prevent spoilage. The soluble solids content is not less than 9 percent (exclusive of the solids of any added optional nutritive sweeteners) as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," 10th Edition, page 309, section 20.016, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades, and Preserves—Official, First Action," except that no correction is made for water-insoluble solids.

(b) Applesauce may contain the optional ingredients set out in this paragraph; but if any such ingredient is a food additive or a color additive within the meaning of section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act, it is used only in conformity with a regulation established pursuant to section 409 or 706 of the act. Optional ingredients that may be used in applesauce

in such proportions as are reasonably required to accomplish their intended effects are:

- (1) Water.
- (2) Apple juice.
- (3) Salt.
- (4) Any edible organic acid added for the purpose of acidification in an amount such that the titratable acidity of the finished food is not more than 0.7 percent by weight calculated as malic acid. (Organic acids generally recognized as having a preservative effect are not permitted in applesauce except as provided for in subparagraph (8) of this paragraph.)

- (5) Nutritive sweeteners.
- (6) Spices.
- (7) Flavoring, other than artificial flavoring.

- (8) Either of the following:
 - (i) Erythorbic acid or ascorbic acid as an antioxidant preservative in an amount not to exceed 150 parts per million; or

- (ii) Ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each 4 ounces by weight of the finished food amounts to not less than 30 milligrams and not more than 60 milligrams.

- (9) Color additives in such quantity as to distinctly characterize the food unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

- (c) The name of the food is "applesauce." If the applesauce contains a color additive, the name of the food shall be immediately preceded or followed by the statement "Artificially colored" or "Artificially colored _____," the blank being filled in with the word that accurately describes the color of the food. If a nutritive sweetener as provided for in paragraph (b)(5) of this section is added, and the soluble solids content of the finished food is not less than 16.5 percent as determined by the method referred to in paragraph (a) of this section, the name may include the word "sweetened." If no such sweetener is added, the name may include the word "unsweetened."

- (d) Optional ingredients used in the finished food, as provided for in paragraph (b) of this section, shall be declared as follows:

- (1) Added water, apple juice, and salt shall be declared as such.

- (2) Nutritive sweeteners shall be declared by the common name or names of the sweetener or sweeteners used.

- (3) The optional ingredient provided for in paragraph (b)(4) of this section shall be declared by the statement "With _____ acid added" or "With _____ acid," the blank being filled in with the common name of the acid used.

- (4) Spices shall be declared by the statement "Spiced" or "Spice added" or "With added spice," or in lieu of the word "spice," the common name of the spice.

- (5) Flavoring shall be declared by the statement "Flavoring added" or "With added flavoring," or in lieu of the word

"flavoring," the common name of the flavoring.

- (6) When an optional ingredient as provided for in paragraph (b)(8)(i) of this section is used, it shall be declared on the label by the statement "Erythorbic acid added _____" or "Ascorbic acid added _____," the blank being filled in with "to preserve color and flavor" or "as a preservative."

- (7) Applesauce containing ascorbic acid (vitamin C) as provided for in paragraph (b)(8)(ii) of this section shall bear the label statement prescribed by subparagraph (6) of this paragraph and in addition thereto the statement "Vitamin C added" or "With added vitamin C," and such statements shall be accompanied by labeling conforming to the requirements prescribed for foods which purport to be or are represented for special dietary use by regulations established pursuant to section 403(j) of the Act.

If two or more of the statements set forth in this paragraph are required, the words "with" or "added" need appear only once.

- (e) Statements naming the optional ingredients present as specified in paragraph (d) of this section shall be displayed on the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase.

§ 27.81 Canned applesauce; fill of container; label statement of substandard fill.

- (a) The standard of fill of container for canned applesauce is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in § 10.6(b) of this chapter; except that in the case of glass containers having a total capacity of 6½ fluid ounces or less, the fill is not less than 85 percent.

- (b) If canned applesauce falls below the standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill specified in § 10.7(b) of this chapter, in the manner and form therein specified.

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

thereof. All documents shall be filed in six copies.

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

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

Dated: March 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3170; Filed, Mar. 14, 1968; 8:46 a.m.]

PART 121—FOOD ADDITIVES

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

CELLOPHANE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2216) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of *N*-acyl sarcosines, as described below, in the manufacture of cellophane intended for use in packaging food. 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), § 121.2507(c) is amended by alphabetically inserting in the list or substances a new item, as follows:

§ 121.2507 Cellophane.

- (c) List of substances:

Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)

N-acyl sarcosines where the acyl group is lauroyl or stearyl.

For use only as release agents in coatings at levels not to exceed a total of 0.3 percent by weight of the finished packaging cellophane.

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 triplicate. 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: March 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3172; Filed, Mar. 14, 1968;
8:46 a.m.]

PART 121—FOOD ADDITIVES

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

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1933) filed by United States Rubber Co., Chemical Division, Elm Street, Naugatuck, Conn. 06770, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of an additional substance, as set forth below, as an antioxidant and/or stabilizer in acrylonitrile-butadiene-styrene copolymers used in the manufacture of articles intended for food-contact use. 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), § 121.2566(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) * * *

Limitations

2,2'-Methylenebis(4-methyl-6-nonylphenol) and 2,6-bis(2-hydroxy-3-nonyl-5-methylbenzyl)-p-cresol mixtures (varying proportions).

For use only in acrylonitrile-butadiene-styrene copolymers used in contact with non-alcoholic foods.

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: March 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3171; Filed, Mar. 14, 1968;
8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 128—TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT AND EXPORT OF COIN AND CURRENCY

Foreign Debit and Credit Balances

Section 128.20 is being amended to provide that reports on Foreign Exchange Form S-4 are henceforth required to be filed quarterly instead of semiannually. As amended, § 128.20 reads as follows:

§ 128.20 Foreign Exchange Form S-4: Foreign debit and credit balances.

On this form brokers and dealers in the United States are required to report quarterly, as of the last day of business of the quarter, to a Federal Reserve bank, the debit and credit balances in their accounts carried by or for "foreigners".

(Sec. 5, 40 Stat. 415, as amended, sec. 8, 59 Stat. 515; 50 U.S.C. App. 5, 22 U.S.C. 286f; E.O. 6560, Jan. 15, 1934, E.O. 10033, 14 F.R. 561, 3 CFR 1949-53 Comp.)

[SEAL]

JOHN R. PETTY,
Acting Assistant Secretary.

[F.R. Doc. 68-3169; Filed, Mar. 14, 1968;
8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 68-26]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Bayou Bienvenue, La.

1. The Louisiana Department of Highways by letter dated January 16, 1968, requested the New Orleans District, Corps of Engineers, to amend the operating requirements for the State Route La 47 drawbridge at Bayou Bienvenue so as to place this bridge in a fixed bridge category. The records indicate that this drawbridge was not required to be opened for the passage of vessels from 1962 through 1966 and that only rowboats, canoes and small motor boats use this portion of the waterway. This proposed revision is therefore accepted. The purpose of this document is to amend the requirements in 33 CFR 117.245(i)(24) and to prescribe special regulations for the operation of the Bayou Bienvenue drawbridge on State Route La 47.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.245(i)(24) shall read as follows and shall be effective on and after 30 days after date of publication of this document in the FEDERAL REGISTER:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(i) Waterways discharging into the Gulf of Mexico east of the Mississippi River. * * *

(24) Bayou Bienvenue, La.; Louisiana Department of Highways bridge over Bayou Bienvenue on State Route La 47. The draws need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e) inclusive, of this section shall not apply to this bridge.

(Sec. 5, 28 Stat. 362, as amended; 33 U.S.C. 499; 49 CFR 1.4(a)(3)(v); 32 F.R. 5606)

Dated: March 11, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-3163; Filed, Mar. 14, 1968;
8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17023; FCC 68-243]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Reduction of Separation Between Assignable Frequencies

Report and order. In the matter of amendments of Subparts C, G, H, and I of Part 21 of the Commission's rules to reduce the separation between assignable frequencies in the 450-470 Mc/s band for Domestic Public Radio Services (other than Maritime Mobile), Docket No. 17023.

1. This proceeding was instituted by a notice of proposed rule making released December 2, 1966 (FCC 66-1086)¹ to amend Subparts C, G, H, and I of Part 21 of the Commission's rules as set forth in the appendix thereto and errata. The time for filing comments and reply comments expired February 9, and March 7, 1967, respectively.² The information contained in the five comments and three reply comments, together with the pertinent and relevant information contained in Docket No. 13847,³ were all considered by the Commission.

2. In Docket No. 13847 (channel splitting in the Safety and Special Radio Services), the Commission adopted technical standards to permit the operation of radio facilities in the 450-470 Mc/s band upon frequencies separated by 25 kc/s, as well as certain mandatory dates for the implementation of such standards. The Commission believed that the public interest would best be served by the application of these same technical standards and time limits to common carrier radio services in this band. Accordingly it issued the above-entitled notice of proposed rule making.

3. In the proposed notice the following amendments were recommended to Subparts C, G, H, and I of Part 21 of the rules: Tightening of frequency tolerance limits to 0.00025 percent for fixed and base stations, and to 0.0005 percent for all mobile stations; reduction of frequency deviation due to modulation to 5 kc/s in lieu of 15 kc/s; and the use of a post limiter roll-off filter with characteristics recommended by Working Group 8 of the Land Mobile Advisory Committee. All systems, existing and new, would be required to operate with deviation reduced to ± 5 kc/s within 6 months after the effective date of the report and

order adopting these standards; all systems authorized prior to November 1, 1967 would have until November 1, 1971, to conform to all of the proposed new technical standards (viz. bandwidth, tolerance and roll-off filter).

4. No objections were raised to the proposed channel splitting. Objections were raised to the time table set up for its implementation and suggestions were addressed to proposed allocations of the new channels. Since the suggestions made for frequency allocation go beyond the scope of the instant rule making proceeding they will not be considered at this time. Further, the effective dates for the implementation of the technical standards were established in Docket No. 13847 on the bases of the very urgent need to implement the newly created splits to immediately alleviate channel congestion. These same urgent needs prevail for the common carrier services. In addition, the availability of the additional radio channels obtained by channel-splitting will avoid the necessity for holding comparative hearings in many situations, or in those cases where hearings must be held, serve to simplify the issues. Therefore, all systems, existing and new, will be required to operate with deviation reduced to ± 5 kc/s by June 1, 1968. All systems authorized prior to June 1, 1968, will have to conform to all of the proposed new technical standards (viz. bandwidth, tolerance, and roll-off filter) by November 1, 1971.

5. The Comments filed by Central Watch Service, Inc.,⁴ concerning apparent variances in the notice of proposed rule making and the appendix attached thereto and the omission of the date for implementation of the roll-off filter for existing facilities are well taken and the necessary corrections in the Appendix have been made.

6. The Commission is of the opinion that the benefits to be derived by the public from early implementation of the new split channels will outweigh the inconveniences which may be occasioned by the dates established in this report and order, and which conform with the dates set forth in Docket No. 13847. Under the circumstances, we conclude that the public interest convenience, and necessity would best be served by amending Part 21 of the rules as set forth below. The changes in technical standards herein adopted will necessitate withdrawal of type acceptance as of November 1, 1971, for a number of transmitter types now listed in the Commission's Radio Equipment List. A list of transmitter types so affected will be issued in the near future.

7. Accordingly, pursuant to authority contained in section 4(i), 303(r), and 307(d) of the Communications Act of 1934, as amended: *It is ordered*, That pursuant to the effective dates stated in paragraph 4, supra, Part 21 of the Com-

⁴ For good cause shown, the late-filed Comments by Central Watch Service, Inc., are accepted and have been considered.

mission's rules is amended as set forth below.

8. *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: March 6, 1968.

Released: March 8, 1968.

FEDERAL COMMUNICATIONS COMMISSION,⁵

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 21.101 is amended to read as follows:

§ 21.101 Frequency stability.

(a) The carrier frequency of each transmitter authorized in these services shall be maintained within the following percentage of the reference frequency except as otherwise provided in paragraph (b) of this section (unless otherwise specified in the instrument of station authorization the reference frequency shall be deemed to be the assigned frequency):

Frequency range (Mc/s)	Frequency tolerance (percent)		
	All fixed and base stations	Mobile stations over 3 watts ¹	Mobile stations 3 watts or less ¹
25 to 50.....	0.002	0.002	0.005
50 to 450.....	.0005	.0005	.005
450 to 470.....	.00025	.0005	.0005
470 to 1,000.....	.0005	.0005	.005
2,110 to 2,200.....	.001		
2,200 to 10,000.....	.05	.05	.05
10,000 to 40,000.....	.75	.75	.75

¹ Below 470 Mc/s, transmitter plate power input to the final frequency stage, as specified in the Commission's Radio Equipment List. Above 470 Mc/s, transmitter power output, as specified in the Commission's Radio Equipment List.

(b) In the frequency band 450 to 470 Mc/s, radio facilities authorized prior to June 1, 1968 shall be permitted to operate within the following frequency tolerance (percent) of the reference frequency until November 1, 1971:

(1) All fixed and base stations: 0.0005 percent.

(2) All mobile stations (over 3 watts): 0.0005 percent.

(3) All mobile stations (3 watts or less): 0.005 percent.

2. Section 21.501 (b), (c), and (i) is amended to read as follows:

§ 21.501 Frequencies.

(b) For assignment, to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch Service):

⁵ Chairman Hyde absent; Commissioner Johnson concurring in result.

¹ The notice was published in the FEDERAL REGISTER of Dec. 10, 1966 (31 F.R. 15600).

² Time for filing comments and reply comments was extended by orders released Jan. 11 and Feb. 24, 1967.

³ In the matter of * * * amendment of Parts 2, 87 (formerly 9), 89, 91, 93, 95, and 21 of the Commission's rules to reallocate frequencies in the 460-470 Mc/s band and to make additional frequencies available for assignment in the 450-470 Mc/s band."

Base station frequencies (Mc/s):	Mobile, dispatch, and auxiliary test station frequencies (Mc/s)
152.51	157.77
152.54	157.80
152.57	157.83
152.60	157.86
152.63	157.89
152.66	157.92
152.69	157.95
152.72	157.98
152.75	158.01
152.78	158.04
152.81	158.07
454.375	459.375
454.400	459.400
454.425	459.425
454.450	459.450
454.475	459.475
454.500	459.500
454.525	459.525
454.550	459.550
454.575	459.575
454.600	459.600
454.625	459.625
454.650	459.650
454.700 ¹	459.700
454.750 ¹	459.750
454.800 ¹	459.800
454.850 ¹	459.850
454.900 ¹	459.900
454.950 ¹	459.950

¹ Pending promulgation of rules and regulations to govern the public air-ground radio-telephone service, and subject to further order of the Commission, frequencies in the 454.675-455.000 Mc/s and 459.675-460.000 Mc/s bands are not available for operation of new radio facilities in the Domestic Public Land Mobile Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radio-telephone service.

(c) For assignment to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendered such General or Dispatch service):

Base station frequencies (Mc/s):	Mobile, dispatch, and auxiliary test station frequencies (Mc/s)
152.03	158.49
152.06	158.52
152.09	158.55
152.12	158.58
152.15	158.61
152.18	158.64
152.21	158.67
454.025	459.025
454.050	459.050
454.075	459.075
454.100	459.100
454.125	459.125
454.150	459.150
454.175	459.175
454.200	459.200
454.225	459.225
454.250	459.250
454.275	459.275
454.300	459.300
454.325	459.325
454.350	459.350

(i) In lieu of a wireline circuit for control of a specific base station transmitter from its required control point or in lieu of wirelines for an audiocircuit to a base station control point from a remotely located fixed receiver used for reception of mobile station transmissions, and upon an affirmative showing that the conditions set forth in subparagraphs (1) through (5) of this paragraph are satisfied, a single control and repeater station may be authorized to miscellaneous common carriers upon the frequencies indicated below:

Control station frequencies (Mc/s):	Repeater station frequencies (Mc/s)
454.025	459.025
454.050	459.050
454.075	459.075
454.100	459.100
454.125	459.125
454.150	459.150
454.175	459.175
454.200	459.200
454.225	459.225
454.250	459.250
454.275	459.275
454.300	459.300
454.325	459.325
454.350	459.350

(1) The control station, and the base station controlled thereby, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(2) The repeater station, and the point to which its transmissions are directed, are located over 50 airline miles from the nearest geographical boundary of the nearest urbanized area having a population over 300,000 (as determined and defined in the most recent census reports of the U.S. Bureau of the Census).

(3) The effective radiated power of the control or repeater station does not exceed 150 watts.

(4) The use of the frequencies by a control or repeater station will not cause harmful interference to any other station authorized to use such frequencies and shall be on a secondary basis to the provision of mobile and rural radio service by other classes of stations.

(5) Series operation of more than one control or repeater station is not involved.

NOTE: The provisions of subparagraphs (1) and (2) of this paragraph may be waived by the Commission upon a factual showing, supported by such engineering proof as may be necessary, that all of the currently assignable pairs of 152-162 Mc/s band frequencies listed in paragraph (c) of this section are not assigned or applied for within interference range of existing or possible station assignments within the urbanized area having a population of over 300,000 and, upon a satisfactory showing, that in such area over a substantial period of years the growth of the public land mobile radio service has not been hampered and is not likely to be hampered by a shortage of frequencies allocated to such service in the 152 to 162 Mc/s band. Facilities authorized under the provisions of such waivers shall be on a secondary basis and subject to the condition that, in the event the frequencies are required for assignment to base and mobile stations in the area, operation thereon shall be terminated within 60 days after notice is received from the Commission.

3. Section 21.507(b) is amended to read as follows:

§ 21.507 Bandwidth and emission limitations.

(b) The maximum authorized bandwidth of emission and, for the cases of frequency or phase modulated emissions, the maximum authorized frequency deviation shall be as follows:

Type of emission	25-50 Mc/s		50-150 Mc/s		150-500 Mc/s	
	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)
A1	1	1	1	1	1	1
A2	3	3	3	3	3	3
A3	3	3	3	3	3	3
F1	3	3	3	3	3	3
F2	15	15	15	15	15	15
F3	20	5	40	15	120	15

¹ In the frequency band 450 to 470 Mc/s, radio facilities using frequency modulated or phase modulated emission, authorized prior to June 1, 1968, will continue to be authorized with bandwidth of 40 kc/s until November 1, 1971, provided that, frequency deviation is reduced to 5 kc/s by June 1, 1968.

4. Section 21.508(f) is amended and a new paragraph (g) is added to read as follows:

§ 21.508 Modulation requirements.

(f) Each transmitter, which operates on frequencies below 450 Mc/s and employs type A3 or F3 emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (e) of this section and also shall be equipped with a low-pass audio filter installed between the modulation limiter

and the modulated stage. At audio-frequencies between 3 kc/s and 15 kc/s, the filter shall have an attenuation greater than the attenuation of 1 kc/s by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audiofrequency in kilocycles per second. At audiofrequencies above 15 kc/s, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc/s.

(g) Each transmitter which operates on frequencies between 450 Mc/s and 470 Mc/s and employs type A3 or F3

emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (e) of this section and also shall be equipped with a low-pass audio filter installed between the modulation limiter and the modulated stage. At audiofrequencies between 3 kc/s and 20 kc/s, the filter shall have an attenuation greater than the attenuation at 1 kc/s by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles per second. At audio frequencies above 20 kc/s, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s: *Provided, however*, That in lieu of such filter, transmitters authorized to operate between 450 Mc/s and 470 Mc/s prior to June 1, 1968, may continue to operate until November 1, 1971, with a filter meeting the requirements prescribed in paragraph (f) of this section.

5. Section 21.601(a) is amended to read as follows:

§ 21.601 Frequencies.

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and on a secondary basis, to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central office and inter-office station frequencies (Mc/s):	Rural subscriber and interoffice station frequencies (Mc/s)
152.51 ¹	158.49
152.54 ¹	158.52
152.57 ¹	158.55
152.60 ¹	158.58
152.63 ¹	158.61
152.66 ¹	158.64
152.69 ¹	158.67
152.72 ¹	157.77
152.75 ¹	157.80
152.78 ¹	157.83
152.81 ¹	157.86
	157.89
	157.92
	157.95
	157.98
	158.01
	158.04
	158.07
	459.025
	459.05
	459.075
	459.10
	459.125
	459.15
	459.175
	459.20
	459.225
	459.25
	459.275
	459.30
	459.325
454.35 ²	459.35
454.375 ¹	459.375
454.40 ¹	459.40
454.425 ¹	459.425
454.45 ¹	459.45
454.475 ¹	459.475
454.50 ¹	459.50
454.525 ¹	459.525
454.55 ¹	459.55
454.575 ¹	459.575
454.60 ¹	459.60

454.625 ¹	459.625
454.65 ¹	459.65
454.70 ¹	459.70
454.75 ¹	459.75
454.80 ¹	459.80
454.85 ¹	459.85
454.90 ¹	459.90
454.95 ¹	459.95

¹ This frequency is available for assignment only to stations of communication common carriers also engaged in the business of providing a public landline message telephone service.

² This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service.

³ Pending promulgation of rules and regulations to govern the public air-ground radiotelephone service, and subject to further order of the Commission, frequencies in the 454.675-455.000 Mc/s and 459.675-460.000 Mc/s bands are not available for operation of new radio facilities in the Rural Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radiotelephone service.

6. Section 21.604 is amended to read as follows:

§ 21.604 Emission limitations.

(a) The maximum authorized bandwidth of emission and, for the cases of frequency or phase modulated emissions, the maximum authorized frequency deviation shall be as follows:

Type of emission	50-150 Mc/s		150-500 Mc/s	
	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)
A1	1		1	
A2	3		3	
A3	8		8	
A4	12		12	
F1	3		3	
F2	3		3	
F3	40	15	120	15
F4	40	15	120	15

¹ In the frequency band 450 to 470 Mc/s, radio facilities using frequency modulated or phase modulated emission, authorized prior to June 1, 1968, will continue to be authorized with bandwidth of 40 kc/s until November 1, 1971, provided that, the frequency deviation is reduced to 5 kc/s by June 1, 1968.

(b) Bandwidths of emission greater than shown in paragraph (a) of this section may be authorized for multichannel operation upon an adequate showing of need therefor and provided a showing is made that the efficiency of frequency utilization per derived communication channel is equivalent to or greater than on a single channel basis. Radio facilities using frequency modulated or phase modulated emission shall not exceed a frequency deviation of 5 kc/s due to modulation of the carrier frequency. An application requesting such authorization shall fully describe the modulation, emission and bandwidth desired and shall specify the bandwidth to be occupied.

7. Section 21.605(e) is amended and new paragraph (f) is added to read as follows:

§ 21.605 Modulation requirements.

(e) Each transmitter, which operates on frequencies below 450 Mc/s and employs type A3 or F3 emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (d) of this section and also shall be equipped with a low-pass audiofilter installed between the modulation limiter and the modulated stage. At audiofrequencies between 3 kc/s and 15 kc/s, the filter shall have an attenuation greater than the attenuation at 1 kc/s by at least:

$$40 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audiofrequency in kilocycles per second. At audiofrequencies above 15 kc/s, the attenuation shall be at least 28 decibels greater than the attenuation at 1 kc/s.

(f) Each transmitter, which operates on frequencies between 450 Mc/s and 470 Mc/s and employs type A3 or F3 emission, shall be equipped with a modulation limiter in accordance with the provisions of paragraph (c) of this section and also shall be equipped with a low-pass audio filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kc/s and 20 kc/s, the filter shall have an attenuation greater than the attenuation at 1 kc/s by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audio frequency in kilocycles per second. At audio frequencies above 40 kc/s, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s: *Provided, however*, That in lieu of such filter transmitters authorized to operate between 450 Mc/s and 470 Mc/s prior to June 1, 1968, may continue to operate until November 1, 1971, with a filter meeting the requirements proscribed in paragraph (f) of this section.

8. Section 21.701(e) is amended to split the assignable frequencies (channels) two for one. The table of frequencies following (e) (4) as amended reads as follows:

§ 21.701 Frequencies.

(e) * * *

(4) * * *

Mc/s	Mc/s
454.025	459.025
454.050	459.050
454.075	459.075
454.100	459.100
454.125	459.125
454.150	459.150
454.175	459.175
454.200	459.200
454.225	459.225
454.250	459.250
454.275	459.275
454.300	459.300
454.325	459.325
454.350	459.350

RULES AND REGULATIONS

9. Section 21.703(e) is amended to read as follows:

§ 21.703 Bandwidth and emission limitations.

(e) The maximum authorized bandwidth of emission and, for the cases of frequency or phase modulated emission, the maximum authorized frequency deviation shall be as follows:

Type of emission	50-150 Mc/s		150-500 Mc/s	
	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)
A1-----	1	-----	1	-----
A2-----	3	-----	3	-----
A3-----	8	-----	8	-----
F1-----	3	-----	3	-----
F2-----	15	-----	15	-----
F3-----	40	15	20	15

¹ In the frequency band 450 to 470 Mc/s, radio facilities using frequency modulated or phase modulated emission, authorized prior to June 1, 1968, will continue to be authorized with bandwidth of 40 kc/s until November 1, 1971, provided that, the frequency deviation is reduced to 5 kc/s by June 1, 1968.

[F.R. Doc. 68-3147; Filed, Mar. 14, 1968; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1005, 1033, 1034, 1035, 1046, 1049]

[Docket No. AO 177-A31, etc.]

MILK IN TRI-STATE AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1005	Tri-State	AO 177-A31.
1033	Greater Cincinnati	AO 166-A36.
1034	Miami Valley, Ohio	AO 175-A26.
1035	Columbus, Ohio	AO 176-A23.
1046	Louisville-Lexington-Evansville	AO 123-A33.
1049	Indianapolis, Ind.	AO 319-A11.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the third day after publication of this decision in the FEDERAL REGISTER. Nine copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders, as amended, were formulated, was conducted at Cincinnati, Ohio, on February 14, 1968, pursuant to notice thereof issued February 6, 1968 (33 F.R. 2786).

The material issues on the record of the hearing were:

1. Revision of the fall production incentive ("Louisville") plans in the six orders;
2. Reduction of Class I butterfat differentials under the Columbus, Greater Cincinnati, and Louisville-Lexington-

Evansville (hereinafter referred to as Louisville) orders.

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) The "Louisville" plan for adjusting uniform prices seasonally should be revised for each of the six markets.

Major producer associations in the six markets proposed a coordinated basis for determining the spring "take-out" and fall "pay-back" amounts under the individual market "Louisville" price-adjustment plans.

At present identical plans prevail in the Cincinnati, Miami Valley, Tri-State, and Columbus markets. Under such plans 20 cents per hundredweight is withheld from the uniform price in April and July and 25 cents per hundredweight is so withheld in May and June. Such funds are returned to producers at the rate of 20 percent each month of September and December and at a 30 percent rate in October and November.

The Louisville and Indianapolis markets have different plans. In Louisville an amount equal to 12 percent of the previous year's average basic formula price is withheld in each month of April through July. Pay-back of the aggregate monies accumulated is made at the rate of 25 percent each month in September, October, November, and December.

The Indianapolis plan provides for withholding eight percent of the Class I price effective for each month of April through July, and pay-back of the accumulated funds at the monthly rate of 25 percent in each month of September through December.

The major producer associations in the six markets joined in proposing revisions of these individual market plans so as to achieve a reduced spread in the amounts deducted, and a fairly constant relationship in such amounts and in the rates of pay-back.

In all markets the pay-back would be made uniformly both as to months and monthly rate (25 percent in each of the 4 months of September through December).

Specifically, the producers' proposals called for subtracting, in each market separately, a percentage of the average monthly basic formula price for the preceding calendar year with respect to each hundredweight of producer milk delivered to the market during April, May, June, and July. The applicable percentage in each market would be as follows: Cincinnati, Miami Valley, Tri-State and Columbus, six; Indianapolis, eight; and Louisville, 10. The maximum amount per hundredweight which would be deducted in any month would be: For Cincinnati, Miami Valley, Tri-State,

and Columbus, 25 cents; for Indianapolis, 30 cents; and for Louisville, 40 cents.

By this means, producers propose to eliminate significant fluctuations in differences among uniform prices in these markets, which compete for supplies, that are not caused by changing patterns in their respective supply-demand relationships. At the same time, however, the incentive to improve deliveries seasonally would be preserved.

At the hearing a handler, while supporting continuance of Louisville plans in these orders, suggested that for the Cincinnati, Miami Valley, Tri-State, and Columbus orders the monthly rate of spring take-out not exceed 15 cents per hundredweight. He suggested also reductions greater than proposed by producers for the other two orders, but did not propose specific amounts for such orders. He was concerned mainly with maintaining close blend price alignments between the subject markets and other markets in proximity to them, particularly the producer blend price relationship between the Columbus market and the Northeastern Ohio and Northwestern Ohio markets, which do not have Louisville plans.

The primary purpose of the seasonal production incentive plan for each of the markets, is to induce dairy farmers to increase fall production in relation to spring production, thus to encourage a more even pattern of milk deliveries throughout the year. It provides a continuing inducement to dairy farmers to increase production during the period of greatest Class I demand relative to supplies and at the time of the year when production costs tend to be highest. The Louisville plan is the incentive provided in each of the six orders for maintaining seasonal production in line with Class I sales and thus reducing the burden of handling seasonal surplus to the benefit of all producers.

Since April 1, 1964, the seasonal production incentive plans in the Columbus, Cincinnati, and Miami Valley orders have been identical as to both rates of withholding in the spring months and percentages of "pay-out" to be added to the uniform price in the fall months. Identical plans were adopted to remove producer aggravation and disruption of supplies which had developed because of differences in the plans. On May 1, 1965, an identical plan was adopted in the Tri-State order. Official notice is taken of the March 20, 1964, decision (29 F.R. 3668) which adopted the revised and identical Louisville plans for the three orders and the April 23, 1965, decision (30 F.R. 5904) with respect to the Tri-State order.

The close marketing relationships among the three markets, as pointed out in the March 20, 1964, decision, have further developed to involve the Indianapolis, Louisville, and Tri-State

markets. There is considerable overlapping of milk production areas of the six markets. The Ohio counties of Clinton, Fayette, Highland, Madison, and Ross, for example, are a common production area for the Cincinnati, Miami Valley, Tri-State, and Columbus markets.

Further, the Ohio counties of Drake, Mercer, Miami, and Shelby are a common production area for the Cincinnati, Miami Valley, and Indianapolis markets. Likewise, the Indiana counties of Adams, Fayette, Jay, Randolph, Union, and Wayne are a supply area for such three markets.

Producers in the Indiana counties of Jefferson, Miami, and Scott deliver to regulated plants under the Cincinnati, Louisville, and Indianapolis orders. In the overlapping production areas serving these markets, there are 43 counties in Ohio, 36 counties in Indiana, and 13 counties in Kentucky where milk from farms located in each county is delivered to at least two of the six markets.

The similarity in health requirements among these markets, together with improved roads and transportation facilities for moving milk over greater distances, have contributed to the ease with which dairy farmers can shift from one market to another in seeking the most profitable outlet.

The present rates as they affect blend prices in the respective markets have caused a growing unrest among producers and provided an incentive for opportunistic movements of milk by individual producers from market to market. A switching of markets by individual producers without regard to the Class I requirements of the markets is causing interferences with economic movements of milk by the cooperatives to meet changing Class I requirements of handlers in these markets.

Having similar provisions in these various markets will provide an opportunity for better understanding among producers as to the requirements for milk supplies for the markets and diminish such movements of producers, thus contributing to more orderly marketing of milk by cooperative associations. Thus competition for available milk supplies will be based on the respective Class I prices and utilizations of the several markets.

To correct these problems, proponents proposed that the rate of "take-out" in each of the six markets be based on a percentage of the basic formula price so as to provide an identical "base" for computing the rates of "take-out". The different bases currently used to determine the rates of "take-out" have caused undue variations in the markets' blend prices which have tended to cause temporary disruptions in supply patterns. For example, increases in Class I prices that have occurred during recent years have resulted in increasing the rate of "take-out" for the market (Indianapolis) using such price as a base for computing such rate, whereas the three markets of Cincinnati, Miami Valley, and Columbus have had no change in rate of "take-out".

The average of the basic formula prices of the preceding calendar year, as

proposed, will provide an appropriate base amount for determining take-out rates for all the markets. It is identical for all the markets. It will permit advance announcement of the amounts per hundredweight to be deducted in April, May, June, and July. The producers will be better informed concerning these deductions. The several plans will be coordinated.

The following table below sets forth the "take-out" rates, as proposed by producers and adopted herein, as applied to 1967 and 1968, along with the average of the actual rates for 1967:

RATES OF TAKE-OUT—APRIL, MAY, JUNE, JULY 1967-1968

	Actual		Adopted	
	1967	1967	1967	1968
	cents	cents	cents	cents
Four markets ¹	22.5	23.5	23.5	23.9
Indianapolis.....	44	30	30	30
Louisville.....	47	39.2	39.2	39.9

¹ Tri-State, Columbus, Cincinnati, Miami Valley.

The revised rates of "take-out" will reduce somewhat the differences in the spring-fall blend price relationship in each of the markets of Indianapolis and Louisville. The consistent high percentage of fall to spring production which exists in these markets is the principal reason why producers now find some reduction in take-out feasible as part of a coordinated plan. The percentage of recent fall to spring production to past periods in the remaining four markets does not support a reduction at this time in the present rates of "take-out". On the other hand, producers stress that over time they expect less withholding to be necessary to accomplish the purposes of the plan. For this reason, they suggested maximum limits on the amount withheld in the various markets. The maximum limits for the rate of take-out (Louisville—40 cents, Indianapolis—30 cents, other four markets—25 cents) proposed by producers should be adopted.

Since the adopted rates of "take-out" for the Indianapolis and Louisville orders will result in a smaller accumulation of funds during the spring "take-out" period, they likewise will result in lesser amounts of "pay-back" during the fall months. If the proposed amendment had been effective in Indianapolis and Louisville during 1967, the rate of "pay-back" per hundredweight of producer milk for the months of September, October, November, and December would have been lower than the actual rates by the following amounts: Indianapolis 17, 15, 16, and 15 cents, respectively, and for Louisville 8, 8, 9, and 9 cents, respectively.

The adopted rates of "take-out" for the Columbus, Miami Valley, Cincinnati and Tri-State markets would have had very minor effect on the total monies included in the "pay-back" to producers during the months of September through December 1967. On the other hand, the new rate of "pay-back" determined as one-fourth of the total "take-out" would alter the fall pattern

of "pay-back" slightly. This would occur because the current rate of "pay-back" now is 20 percent in September and December and 30 percent in October and November, as compared to the 25 percent each fall month herein adopted. If this amendment had been effective in September and December 1967, the rate of pay-back would have been six cents more than the actual rate each month. Conversely, in these markets for October and November the rate of "pay-back" would have been less than the actual amount: For Columbus, by 4 cents each month; Miami Valley, by 4 cents each month; Tri-State, by 4 cents in October and 5 cents in November; and Cincinnati, by 5 cents in each month.

A handler with plants regulated under the Miami Valley, Columbus, Indianapolis, and Louisville orders complained that any increase in the rates of take-out and pay-back under the Columbus, Tri-State, Miami Valley, and Cincinnati orders might result in an unsatisfactory price relationship with blend prices for the Northwestern Ohio and Northeastern Ohio markets. He suggested a take-out rate not to exceed 15 cents per hundredweight for the four markets.

The handler testified that producers delivering high butterfat test milk to the Columbus market would shift to the Northeastern Ohio market if the producers' proposed rate of "take-out" and proposed Class I butterfat differentials were adopted. However, the handler offered no substantive support for reducing the rate of "take-out" which also would reduce the rate of "pay-back" in the fall months in these markets. This reduction in rate of "pay-back" would not be warranted in view of producers' support for continuation of the present average rate of "pay-back" as the incentive required for fall deliveries to meet fluid milk needs of the markets. The appropriate Class I butterfat differential for the Columbus market is discussed in a later section. The proposed reduction of the "take-out" rate in the four markets therefore is denied.

(2) Butterfat differentials for adjusting Class I prices in the Cincinnati, Columbus, and Louisville markets should be modified.

Major producer associations in the three markets proposed reductions in the Class I butterfat differentials effective in such markets. Butterfat differentials are used to adjust Class I prices for point variations (per one-tenth of 1 percent) in the butterfat content of Class I milk from 3.5 percent.

The present Class I butterfat differentials for the Cincinnati and Louisville markets are computed by multiplying the Chicago butter price by 12.7 percent and 12.5 percent, respectively. For the Columbus market, the Class I butterfat differential is computed by multiplying the Class I price by 0.0172.

In support of their proposals, proponents pointed out the need for a common basis of adjusting Class I milk prices in view of the widely varying butterfat content of the several product items, such

as milk, skim milk, flavored milk drinks, low-fat milk, and cream products, within the class. Their proposal was to compute the butterfat differential per point of butterfat as 12 percent of the Chicago 92-score butter price. Adoption of the proposal in the three markets would result in identical Class I butterfat differentials in all six markets involved in this hearing.

Two handlers, under the Cincinnati order, opposed the proposed change insofar as that order is concerned. Their opposition was based on the fact that the minimum price of the skim milk component of Class I milk would be increased. They also indicated a belief that competition with lower-priced milk from other markets would be aggravated. One of these handlers made a similar objection to the change as proposed for the Louisville market.

Another handler opposed the butterfat differential proposal as it would apply to the Columbus market. Such handler similarly argued that it would have a price-increasing effect on the skim milk component of Class I milk in that market. He recommended a more gradual reduction in the butterfat differential to 13 percent of the Chicago 92-score butter price at this time. The present differential in this market ranges from 14-15 percent of the butter price.

The trend in the average butterfat test of Class I milk in each of the three markets indicates a diminishing need for butterfat for fluid milk products. Sales of fluid skim milk and "low-fat" (2 percent) milk in each of these markets have increased as a proportion of the total market over the past 5 years.

For example, in Louisville sales of 2 percent milk increased from 5.1 percent of fluid market sales in July 1962 to 9.6 percent in July 1967. During the same period skim milk items increased from 11.9 to 16.5 percent of the total market. In Columbus, 2 percent milk increased over the same period from 1.3 to 5.2 percent of the market while skim milk items advanced from 8.2 to 11.1 percent of total sales. In Cincinnati, there were no sales of 2 percent milk in July 1962 but by July 1967 they constituted 13.7 percent of the market. Skim milk items in the latter market in July 1967 were 20.4 percent of the market as compared to 11 percent in July 1962. In each of the three markets, sales of bottled whole milk are a lesser share of the market than 5 years ago. Decreases have ranged from 2.4 percent of the market in Louisville to a decrease of 8.9 percent in Cincinnati.

The butterfat content of producers' milk, as reflected in published statistical releases of the respective market administrators of the three markets over the past 3 years, official notice of which is taken, has not followed the decline in the need for butterfat for Class I uses. In the Cincinnati and Louisville markets there has been no significant change in average butterfat test of producer milk. In Columbus there has been a small increase in average butterfat test. In 1965 the annual average butterfat tests of

producer milk for Cincinnati and Louisville were 3.69 and 3.73 percent, respectively. For 1967 such tests were 3.70 and 3.71 percent. In Columbus the 1967 annual average test was 3.75 percent compared to 3.71 percent in 1965.

On the other hand, in each of the three markets butterfat differentials on the blend price, as well as on Class I milk, have increased over the past 3 years. Between 1965 and 1967 the annual average differential per point of butterfat on the producers' uniform prices increased from 7.8 to 9.2 cents in Columbus; from 7.4 to 8.1 cents in Cincinnati; and from 7.4 to 8.2 cents in Louisville.

The disparate trends in butterfat test of producer milk deliveries and of Class I milk in each of the three markets suggests a reduction in Class I butterfat differentials in order to adapt the pricing technique to current marketing conditions and to provide an improved climate for competition in procurement and fluid sales for these and the other three markets involved in this hearing. The overlapping of milksheds and expansion of route distribution from some of these markets into others make close price alignments appropriate. Adoption of the butterfat differential proposals for the three markets will aid this objective since all six markets then will have identical differentials. The respective proposals to employ a Class I butterfat differential computed as 12 percent of the Chicago butter price should be adopted.

Handlers who objected to a reduction in butterfat differentials pointed out the price-increasing effect of such action on the skim milk component of Class I milk. This will occur for skim milk when the Class I price per hundredweight of 3.5 percent milk remains unchanged.

The market requirements for skim milk are not diminishing in these markets as is the demand for butterfat. On the contrary, such requirements are increasing. This situation and the fact that handlers in each of the markets concerned are paying substantial marketwide premium (over-order) prices for milk purchased from producers makes obvious that the skim milk is worth, in each such market, at least as much as the price it will carry under the proposed revision of butterfat differentials. The record does not support a reduction in the skim milk values.

Counsel for a handler pointed out that review of Class I butterfat differentials under all orders would be under consideration in connection with a national hearing on filled milk and certain other fluid milk products convened at Memphis on February 19, 1968, official notice of which is taken. For this reason he suggested delaying a decision on the butterfat differential proposals under review here.

Official notice is taken also of the continuance of the Memphis hearing to April 23. It is not known, of course, when such hearing may be concluded or what its result may be. It is concluded that the changes in butterfat differentials made in this decision are appropriate at this time for the reasons cited. Such changes

do not preclude, however, further adjustments of Class I butterfat differentials in the three markets concerned if this should be warranted as a result of the Memphis hearing.

As previously indicated, a Columbus handler objected to the proposed reduction in the Class I butterfat differential for the Columbus market and recommended that a differential of 13 percent times the Chicago butter price be adopted. This handler opposed the reduction of the Columbus Class I butterfat differential from a 1967 monthly average of about 14.7 percent, to 12 percent, of the Chicago butter price because this change in differential would exceed that adopted for the Eastern Ohio-Western Pennsylvania order (formerly Northeastern Ohio) in the final decision of February 21, 1968 (33 F.R. 3466).

The Class I butterfat differential for the latter market was reduced from 13 percent to 12 percent of the Chicago butter price. It was the handler's position that there would be an incentive for producers delivering high butterfat test milk to the Columbus market to shift to the Northeastern Ohio market because of the effect the substantial reduction in the Columbus Class I butterfat differential would have on the producer butterfat differential used to adjust the blend price.

Although the Columbus Class I butterfat differential would be reduced a greater amount than in the Eastern Ohio-Western Pennsylvania order, the resulting Class I butterfat differentials for the two markets (12 percent of the Chicago butter price) would be the same. Moreover, the percent of butterfat utilized in Class I milk in the Columbus market exceeds that for the Northeastern Ohio market. For example, in 1967 in the Columbus market the butterfat utilized in Class I averaged 72 percent of the total butterfat in producer milk, as compared to about 62 percent for the northeastern Ohio market.¹ With this relationship and identical class butterfat differentials in the two markets, the Columbus producer butterfat differential should exceed the comparable differential for the latter market. In this circumstance, it cannot be concluded that producers would have undue incentive to shift from the Columbus market simply because of the Class I differential herein adopted. The handler's proposed Class I butterfat differential of 13 percent of the Chicago butter price therefore is denied.

A proposal to reduce the butterfat differential for Class II milk under the Louisville order was abandoned by proponents. A handler, in his brief, indicated support for reducing the Class II butterfat differential. Further, he opposed any change in the Class I butterfat differential in this market until both the Class I and Class II butterfat differentials could be considered at another hearing called for such purpose. However, no supporting evidence for reducing the Class II differential was introduced by the handler, or

¹ Official notice is taken of the 1967 monthly statistical announcements of the market administrator.

PROPOSED RULE MAKING

by any other person at the hearing. Consequently, no further action on such proposal will be taken on the basis of this record. As previously indicated, the revision in the Class I butterfat differential for the Louisville market, as well as for the other two markets, should be made without delay for the reasons previously cited.

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 orders 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 agreements and the orders, 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 respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, 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 agreements and the orders, 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, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

TRI-STATE ORDER

In § 1005.61, paragraphs (h) and (i) are revised to read as follows:

§ 1005.61 Computation of the uniform price.

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by a rate that is equal to six percent of the average basic formula price for the preceding calendar year but that is not more than 25 cents;

(i) Add for each month of September through December, one-fourth of the total amount subtracted pursuant to paragraph (h) of this section for the preceding months of April through July;

GREATER CINCINNATI ORDER

1. In § 1033.52, paragraph (a) is revised to read as follows:

§ 1033.52 Butterfat differentials to handlers.

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.120.

2. In § 1033.63, paragraphs (h) and (i) are revised to read as follows:

§ 1033.63 Computation of uniform prices.

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by a rate that is equal to 6 percent of the average basic formula price for the preceding calendar year but that is not more than 25 cents;

(i) Add for each month of September through December, one-fourth of the total amount subtracted pursuant to paragraph (h) of this section for the preceding months of April through July;

MIAMI VALLEY, OHIO, ORDER

In § 1034.71, paragraphs (h) and (i) are revised to read as follows:

§ 1034.71 Computation of uniform price.

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by a rate that is equal to 6 percent of the average basic formula price for the preceding calendar year but that is not more than 25 cents;

(i) Add for each month of September through December, one-fourth of the total amount subtracted pursuant to paragraph (h) of this section for the preceding months of April through July.

COLUMBUS, OHIO, ORDER

1. In § 1035.52, paragraph (a) is revised to read as follows:

§ 1035.52 Butterfat differentials to handlers.

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120 and round to the nearest one-tenth cent.

2. In § 1035.61, paragraphs (h) and (i) are revised to read as follows:

§ 1035.61 Computation of uniform prices.

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by a rate that is equal to 6 percent of the average basic formula price for the preceding calendar year but that is not more than 25 cents;

(i) Add for each month of September through December, one-fourth of the total amount subtracted pursuant to paragraph (h) of this section for the preceding months of April through July;

LOUISVILLE-LEXINGTON-EVANSVILLE ORDER

1. In § 1046.52, paragraph (a) is revised to read as follows:

§ 1046.52 Butterfat differentials to handlers.

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120.

2. In § 1046.71, paragraph (h) is revised to read as follows:

§ 1046.71 Computation of weighted average and uniform prices.

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by a rate that is equal to 10 percent of the average basic formula price for the preceding calendar year but that is not more than 40 cents;

INDIANAPOLIS ORDER

In § 1049.71, paragraph (h) is revised to read as follows:

§ 1049.71 Computation of uniform prices.

(h) Subtract for each month of April through July the amount obtained by multiplying the hundredweight of producer milk included in these computations by a rate that is equal to 8 percent of the average basic formula price for the preceding calendar year but that is not more than 30 cents;

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-3205; Filed, Mar. 14, 1968;
8:49 a.m.]

[7 CFR Part 1073]

[Docket No. AO 173-A21]

MILK IN WICHITA, KANS.,
MARKETING AREA

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Wichita, Kans., marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on July 28, 1967 (32 F.R. 12233; F.R. Doc. 67-8991) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

Elimination of the supply-demand adjutor provision is now contemplated, rather than revision, as proposed in the recommended decision. Interested persons are being afforded further opportunity to file exceptions.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Wichita, Kans., on June 15, 1967, pursuant to notice thereof which was issued June 5, 1967 (32 F.R. 8247).

The material issue on the record of the hearing relates to elimination or revision of the Class I price supply-demand adjutor.

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

Elimination or revision of the supply-demand adjutor. The supply-demand adjutor to the Class I price of the Wichita order should be eliminated.

The Wichita order presently contains a supply-demand provision which adjusts the Class I price each month according to the relationships of producer receipts to the quantity of such receipts used in Class I for the second and third months

preceding the pricing month. This "current" utilization percentage is compared with seasonally adjusted "standards" for which the annual average midpoint is 135 percent. The applicable standard for each 2-month period is expressed as a minimum and maximum percentage, with a 10-point range within which no adjustment occurs. This provision has been suspended for the period July 1967 through March 1968 on the basis of a request made at the hearing for such suspension during the pendency of proceedings.

The two cooperative associations representing most of the producers in the area proposed elimination of the adjutor, or in the alternative, that a 12-month mover be used to replace the present seasonally varied 2-month movers and that gross Class I sales of regulated handlers plus route sales in the Wichita marketing area by other plants replace the present producer milk in Class I as a measure of demand. Standard utilization percentages of 125 to 135 were proposed to replace seasonally varied ratios ranging from 116-126 as the lowest to 145-155 as the highest for any 2-month period of the year.

The proponents of this proposal made it plain at the hearing, and in their exceptions to the recommended decision, that they preferred elimination of supply-demand adjustment of the Class I price from the order rather than the proposal they had made for change in the provision. Since it is concluded that the provision should be eliminated from the order, the application of the alternative changes proposed need not be discussed.

At the present time a supply-demand adjutor would be ineffective in modifying producer returns and handlers' costs in relation to market conditions. Prices currently paid by Wichita handlers for Class I milk exceed order Class I prices by 50 cents per hundredweight. The 50-cent premium over the order price has been paid by handlers beginning with October 1967. Official notice is taken of Class I prices published by market administrators for periods since the hearing through February 1968 and prices published by the USDA monthly in the "Fluid Milk and Cream Report" as paid by milk handlers in Wichita, Kans., for the months of August 1967 through February 1968.

In order for a supply-demand adjutor to operate in an appropriate or beneficial way in this market, it must have a significant influence on the effective Class I price level. In a situation where substantial premiums have persisted for a considerable period the premium price is the one which influences the supply-sales balance rather than the supply-demand adjutor price.

The purpose of the supply-demand adjutor in this market is to achieve—by the timely changes it makes in the Class I prices—an appropriate supply-sales balance. If the Class I prices which result from the supply-demand adjutor are not in fact the effective prices, obviously the supply-demand adjutor is not influencing the supply-sales balance. Hence, in a

situation where substantial premiums are effective and where they persist for considerable periods, the supply-demand adjutor is nullified as a price-making factor.

When a supply-demand adjutor is rendered ineffective by the existence of substantial premiums, the adjutor becomes a disruptive factor wherever milk is sold at the minimum order prices. Where premiums are effective the supply-demand adjutor is not only rendered inconsequential but it usually results in prices below those which it would provide if it were effective.

For example, if a 20-cent premium is instituted in a market it may attract an increase in supply relative to sales which would normally call for a minus 20 cents supply-demand adjutor. But when the minus 20 cents is applied to the minimum order price, such price may be too low to maintain an adequate supply.

Usually, premium prices apply only within specified areas or regions. Milk sold outside these areas or regions is sold at order minimums. When the supply-demand adjutor gives too low a price, milk sold at minimum order prices disrupts marketing and price conditions in any area where it is disposed of.

It is necessary, therefore, to eliminate the supply-demand adjutor in this market where substantial premiums now prevail which could cause it to result in inappropriate Class I prices if reinstated at this time.

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 request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered 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.

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

(a) The tentative marketing agreement and the order, as hereby proposed

to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

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

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

Section 1073.51(a) is revised to read as follows:

§ 1073.51 Class prices.

(a) *Class I milk.* The price for Class I milk at plants located in Zone 1 shall be the basic formula price for the preceding month plus \$1.60, plus 20 cents through April 1968. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents.

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-3203; Filed, Mar. 14, 1968; 8:49 a.m.]

[7 CFR Parts 1106, 1126, 1132]

[Docket Nos. AO 210-A24, AO 231-A31, AO 262-A15]

MILK IN OKLAHOMA METROPOLITAN, NORTH TEXAS, AND TEXAS PANHANDLE MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act

of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Oklahoma Metropolitan, North Texas, and Texas Panhandle marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Oklahoma City, Okla., on May 15, 1967, pursuant to notice thereof which was issued May 8, 1967 (32 F.R. 7090).

The material issue on the record of the hearing relates to elimination or revision of the Class I price supply-demand adjusters.

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

1. The separate supply-demand adjusters now contained in the Oklahoma Metropolitan and North Texas orders should be deleted and should not be replaced at this time by a single supply-demand adjuster. No supply-demand adjuster should be included in the Texas Panhandle order on the basis of this record.

Separate supply-demand adjusters are now provided in the Oklahoma Metropolitan and North Texas orders. That for the Oklahoma Metropolitan order uses only the producer milk receipts and Class I utilization of that order in its computations, but the results of such computations affect Class I prices under both the Oklahoma Metropolitan and Red River Valley orders. The Red River Valley Class I price is maintained in fixed alignment with that of the Oklahoma Metropolitan order. The supply-demand adjuster of the North Texas order includes in its computation receipts and Class I utilizations under the Central West Texas, San Antonio, Austin-Waco, and Corpus Christi orders as well as those of the North Texas order. The results affect Class I prices of these other orders and that of the Lubbock-Plainview order, all of which are in fixed alignment with the North Texas Class I price. No supply-demand adjustment is provided for the Class I price of the Texas Panhandle order.

An industry committee representing producers and handlers in the Okla-

homa Metropolitan, North Texas and Texas Panhandle markets proposed in the notice of hearing that a single supply-demand adjuster be used to adjust Class I prices in response to changes in receipts and utilization under all nine of these orders. The adjuster proposed would use producer receipts and Class I utilizations under all nine orders, with certain specified adjustments, to determine whether price adjustment should occur, and the extent of such adjustment. It was proposed that the 12-month period ending with the second preceding month should be the period for which actual experience should be compared with a "norm" of 75 percent of supply being used in Class I. It was further proposed that no adjustment or change in an existing adjustment be made in an amount of less than 16 cents, representing a deviation of at least four percentage points from the norm, and that any supply-demand adjustment should be in effect without change for at least 3 months.

While the industry committee supported the proposed common adjuster as an improvement over operation of the separate adjusters presently included in the Oklahoma Metropolitan and North Texas orders, the testimony offered in its behalf made it plain that the committee unanimously preferred elimination of the present adjusters. On the basis of a prior public hearing held November 9, 1966, the present adjusters had been rendered inoperative to provide the committee opportunity for study and development of a proposal for consideration at this hearing. At the hearing, it was requested that operation of the adjusters be suspended either until action on the basis of the hearing could be completed or through April 1968. On the basis of this request the present adjusters have been kept inoperative by suspension actions, now effective through March 1968.

The present separate supply-demand adjusters have at times during the past 5 years reduced the price differences between the Oklahoma and Texas markets by as much as 24 cents per hundredweight and at other times have increased such difference by as much as 19 cents per hundredweight so that intermarket price relationship has been affected by as much as 43 cents during this period. A seasonal bias in the norms of the Oklahoma Metropolitan adjuster and certain defects in the method used to compute seasonal norms under the North Texas order have contributed to the extent to which supply-demand adjustments have interfered with intermarket price alignment between these orders when actual supply-sales relationships did not vary to the extent that the separate adjusters indicated.

There is competition for sales and supplies between handlers regulated by these nine orders which makes desirable a more uniform price alignment than that which has resulted from the present separate Texas and Oklahoma adjusters with no supply-demand adjustment of the Texas Panhandle price.

There are thus reasons to believe that a common supply-demand adjuster for these nine markets could improve inter-market price alignment. However, since it is concluded that the present separate adjusters should be deleted, the application of the proposed single adjuster need not be discussed. The effect upon inter-market price alignment among these nine markets will be identical with no adjuster to that which would occur if a single adjuster were adopted.

At the present time a supply-demand adjuster would be ineffective in modifying producer returns and handlers' costs in relation to market conditions in those markets. Prices currently paid by regulated handlers in each of these nine markets for Class I milk exceed order Class I prices by 50 cents per hundredweight. The 50-cent premiums over the order prices have been paid by handlers beginning with September 1967. Official notice is taken of Class I prices published by market administrators for periods since the hearing through February 1968 and prices published by the USDA monthly in the Fluid Milk and Cream Report as paid by milk handlers in Lawton, Oklahoma City, and Tulsa, Okla., and Abilene, Amarillo, Austin, Corpus Christi, Dallas, Lubbock, and San Antonio, Tex., for the months of August 1967 through February 1968.

When first suspended as of January 1967, the present separate supply-demand adjusters were zero for the Oklahoma markets and minus 2 cents for the Texas markets. If now in effect for March 1967 the adjustment for the Oklahoma markets would have been minus 31 cents and that for the Texas markets would have been minus 48 cents. (Official notice is taken of reports of receipts and utilization published by market administrators for the months of June 1967 through January 1968.)

In order for a supply-demand adjuster to operate in an appropriate or beneficial way in these markets, it must have a significant influence on the effective Class I price level. In a situation where substantial premiums have persisted for a considerable period the premium price is the one which influences the supply-sales balance rather than the supply-demand adjuster price.

The purpose of the supply-demand adjuster in these markets is to achieve—by the timely changes it makes in the Class I prices—an appropriate supply-sales balance. If the Class I prices which result from the supply-demand adjuster are not in fact the effective prices, obviously the supply-demand adjuster is not influencing the supply-sales balance. Hence, in a situation where substantial premiums are effective and where they persist for considerable periods, the supply-demand adjuster is nullified as a price-making factor.

When a supply-demand adjuster is rendered ineffective by the existence of substantial premiums, the adjuster becomes a disruptive factor wherever milk is sold at the minimum order prices. Where premiums are effective the supply-demand adjuster is not only rendered

inconsequential but it usually results in prices below those which it would provide if it were effective.

For example, if a 20-cent premium is instituted in a market it may attract an increase in supply relative to sales which would normally call for a minus 20 cents supply-demand adjuster. But when the minus 20 cents is applied to the minimum order price, such price may be too low to maintain an adequate supply.

Usually, premium prices apply only within specified areas or regions. Milk sold outside these areas or regions is sold at order minimums. When the supply-demand adjuster gives too low a price, milk sold at minimum order prices disrupts marketing and price conditions in any area where it is disposed of.

It is necessary, therefore, to eliminate the supply-demand adjusters in these markets where the persistence of substantial premiums over a period of time would cause them to result in inappropriate Class I prices, if reinstated at this time, whether in the present form or in the form of a single adjuster for the nine markets.

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 orders 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 agreements and the orders, 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 areas, and the minimum prices specified in the proposed marketing agreements and the orders, 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 agreements and the orders, as hereby proposed to be amended, will regulate the han-

dling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and order amending the orders. The following order amending the orders as amended regulating the handling of milk in the Oklahoma Metropolitan and North Texas marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the respective orders, as hereby proposed to be amended:

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

In § 1106.51, paragraph (a) is revised to read as follows:

§ 1106.51 Class prices.

(a) **Class I price.** The Class I price shall be the basic formula price for the preceding month plus \$1.78, and plus 20 cents through April 1968.

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

In § 1126.51, paragraph (a) is revised to read as follows:

§ 1126.51 Class prices.

(a) **Class I price.** The Class I price shall be the basic formula price for the preceding month plus \$2.12, and plus 20 cents through April 1968.

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-3204; Filed, Mar. 14, 1968;
8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 28]

CHERRY PIE

Further Extension of Time for Filing Comments on Proposed Standards of Identity and Quality

In the matter of establishing a definition and standard of identity and standard of quality for cherry pie:

The notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of November 1, 1967 (32 F.R. 15116), provided that comments could be filed regarding the proposal therein within 90 days following

PROPOSED RULE MAKING

its date of publication. Notice was given in the FEDERAL REGISTER of February 16, 1968 (33 F.R. 3076), that the time for filing comments in this matter was extended to March 29, 1968.

The National Red Cherry Institute has requested the Commissioner of Food and Drugs to further extend the time for filing comments and has supplemented its request with an outline of research work planned to be undertaken by the Department of Food Science of Michigan State University. Since it appears that this project may provide a better way for determining the amount or weight of cherries in a cherry pie, the Commissioner concludes that the requested extension is in the public interest and

should be granted. Accordingly, the time for filing comments in this matter is extended to September 30, 1968.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120).

Dated: March 7, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-3173; Filed, Mar. 14, 1968;
8:46 a.m.]

Notices

POST OFFICE DEPARTMENT

DIRECTOR, REALTY DIVISION, BUREAU OF FACILITIES

Delegation of Authority Regarding Real Property

The following is the text of Order No. 275 signed on January 31, 1968, by the Assistant Postmaster General, Bureau of Facilities, delegating to the Director, Realty Division, the authority to acquire, manage, repair, develop, improve, and dispose of real property.

I hereby delegate to the Director, Realty Division, the authority vested in me to take final action in his own name to acquire, manage, repair, develop, improve, and dispose of real property including improvement thereon, used or to be used for postal purposes, regardless of the method employed. *Provided, however,* That the following is excluded from this Delegation of Authority with respect to actions concerning postal facilities which will exceed 50,000 square feet net interior: (1) selection and acquisition of real property; (2) award of Architect-Engineer contracts; and (3) award of contracts involving the construction and/or lease of postal facilities. The determination by the Director, Realty Division, that the postal facility will not exceed 50,000 square feet net interior shall be conclusive.

The Director, Realty Division, is authorized to redelegate all or such part of this authority as in his judgment may be in the best interest of the postal service.

All prior Assistant Postmaster General Orders delegating authority with respect to real property actions to the Director, Realty Division; to the Assistant Director for Realty Management, Realty Division, to all Chiefs and Assistant Chiefs, Real Estate Branches, and to all Real Estate Officers, and to Directors, Engineering and Facilities Divisions, are hereby cancelled.

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

TIMOTHY J. MAY,
General Counsel.

MARCH 11, 1968.

[F.R. Doc. 68-3160; Filed, Mar. 14, 1968;
8:45 a.m.]

DIRECTOR, REALTY DIVISION, BUREAU OF FACILITIES

Exercise of Authority

The following are excerpts from Orders No. 1, 2, 3, 4, 5, 6, and 7, signed by the Director, Realty Division, Bureau of Facilities pursuant to authority delegated to him by the Assistant Postmaster General, Bureau of Facilities in his Order No. 275 signed on January 31, 1968:

ORDER No. 1

FEBRUARY 1, 1968.

A. *Rental agreements.* 1. When the basic term covered by the rental agreement is for 60 months or less and does not exceed \$3,000 annual rental to:

- a. Accept agreements to rent space
- b. Exercise or reject options to renew agreements

2. To make agreements or amend agreements or invitations to bid for:

- a. Increases in space, building requirements, services or improvements, or
- b. Repairs and replacements which, under the terms of the agreement, are the responsibility of the Post Office Department,

when: The amount of each agreement or amendment does not exceed \$3,000.

3. To accept agreements for sites for self-service postal units within the preferred location provided the annual rental does not exceed \$1.

B. *Temporary space.* To make agreements for space:

1. For holiday or seasonal needs for fixed periods not in excess of 2 months when the monthly rental does not exceed \$25,000.

2. For fixed periods not in excess of 6 months to meet emergency conditions when the monthly rental does not exceed \$15,000.

C. *Land options.* 1. To determine whether advertisements for postal space will be handled with or without benefit of assignable site option procedures.

2. To take, approve, and use assignable site options for advertising purposes as sites for postal buildings provided the option price does not exceed:

- a. \$100,000.
- b. 35 percent of the total estimated cost of land and improvements.

3. To take, approve, and use assignable ground leases for advertising purposes as sites for postal buildings provided the annual rates does not exceed \$6,000.

4. To assign approved site options to successful bidder regardless of amount of purchase price.

D. *Site investigation and preparation contracts.* 1. To accept contracts for appraisals, surveys, title evidence, topographical and site survey maps and subsoil investigations provided the amount of the contract does not exceed \$10,000.

2. To accept contracts for the protection and demolition of improvements and relocation of utilities of Government-owned sites to be used for postal purposes provided the amount of the contract does not exceed \$20,000.

E. *Architectural and engineering contracts.* For site architectural and engineering contracts to:

1. Approve progress or partial payments.
2. To make changes to such contracts, provided to total amount of changes to any single contract shall not exceed 25 percent of the original contract or \$100,000 whichever is the lesser regardless of whether the payment is to be made by the Post Office Department or by the lessor.

F. *Outleases.* To accept outleases of Government-owned property where the monthly rental does not exceed \$1,500.

G. *Bid advertising.* 1. To commit the Government and to authorize payment for advertising for postal space when the cost of advertising does not exceed \$1,000.

H. *Leases.* 1. When the basic lease term covered by the lease or agreement is for 20 years or less and does not exceed \$100,000 annual rental to:

- a. Accept agreements to lease space.
- b. Execute lease documents.
- c. Exercise or reject options to renew leases.

2. To make lease extension agreements or supplemental agreements for terms not exceeding 5 years and \$100,000 annual rental.

3. To make agreements or amend agreements, leases or invitations to bid for:

- a. Increases in space, building requirements, services or improvements; or
- b. Repairs and replacements which, under the terms of the lease, are the responsibility of the Post Office Department;

when: The amount of each agreement or amendment does not exceed \$25,000.

I. *Repairs and maintenance.* To accept bids for repairs and maintenance to leased and rented facilities and to authorize deduction of the cost of same from lessor's rental payments when leased or rented facilities are improperly maintained, providing the amount of the deduction will not exceed \$25,000.

J. *Federal building improvement projects.*

1. To approve Federal Building Improvement Projects for repair, alteration, preservation, renovation, extension, and improvement of federally owned property used for postal purposes provided the cost will not exceed \$750,000.

2. To make changes to authorizations made by higher authorities for the repair, alteration, preservation, renovation, extension, and improvement of federally owned property used for postal purposes provided the cost will not exceed 10 percent of the initial obligation or \$50,000, whichever is the lesser.

K. *Miscellaneous expenditures.* To commit the Post Office Department for the payment of fees for services not specifically enumerated herein but necessary in the performance of the authority herein delegated where the cost of such services does not exceed \$5,000.

L. *Cancellation or termination.* To cancel or terminate leases or other agreements or commitments where he is authorized to enter into in the first instance.

M. *Authority To Act as Director.* In the absence of the Director, Realty Division, to act as Director, Realty Division, and exercise all authority normally delegated to that official.

ORDER No. 2

FEBRUARY 1, 1968.

- A. To execute leases for postal facilities.
- B. To approve extensions or contract completion dates provided the size of the facility does not exceed 50,000 sq. ft.
- C. To accept assignments of executory contracts.

ORDER No. 3

FEBRUARY 1, 1968.

A. To issue obligating documents to the General Services Administration for the initiation of approved Federal Building Improvement projects.

B. To accept contracts for appraisals, surveys, title evidence, subsoil investigations provided the amount of the contract does not exceed \$5,000.

C. To accept outleases of Government-owned property provided the monthly rental does not exceed \$1,000.

D. To accept contracts for the protection and demolition of improvements and relocation of utilities on Government-owned sites to be used for postal improvements provided the amount of the contract does not exceed \$10,000.

ORDER NO. 4

FEBRUARY 5, 1968.

A. *Rental agreements.* 1. When the basic term covered by the rental agreement is for 60 months or less and does not exceed \$3,000 annual rental to:

- a. Accept agreements to rent space.
- b. Exercise or reject option to renew agreements.

2. To make agreements or amend agreements or invitations to bid for:

- a. Increases in space, building requirements, services or improvements; or
- b. Repairs and replacements which, under the terms of the agreement, are the responsibility of the Post Office Department;

when: The amount of each agreement or amendment does not exceed \$3,000.

3. To accept agreements for sites for self-service postal units within the preferred location provided the annual rental does not exceed \$1.

B. *Temporary space.* To make agreements for space:

1. For holiday or seasonal needs for fixed periods not in excess of 2 months when the monthly rental does not exceed \$10,000.

2. For fixed periods not in excess of 6 months to meet emergency conditions when the monthly rental does not exceed \$5,000.

C. *Land options.* In those cases when the consideration paid for the option does not exceed \$1.

1. To determine whether advertisements for postal space will be handled with or without benefit of assignable site option procedures.

2. To take, approve, assign, and use assignable site options for advertising purposes as sites for postal buildings provided the option price does not exceed:

- a. \$50,000; and
- b. 30 percent of the total estimated cost of land and improvements.

3. To assign approved site options to successful bidder when the acceptance of the agreement to lease falls within his delegated authority.

D. *Outleases.* To accept outleases of Government-owned property when the monthly rental does not exceed \$500.

E. *Bid advertising.* To commit the Government and to authorize payment for advertising for postal space when the cost of advertising does not exceed \$250.

F. *Leases.* 1. When the basic lease term covered by the lease or agreement is for 20 years or less and does not exceed \$30,000 annual rental to:

- a. Accept agreements to lease space.
- b. Execute lease documents.
- c. Exercise or reject options to renew leases.

2. To make lease extension agreements or supplemental agreements for terms not exceeding 5 years and \$30,000 annual rental.

3. To make agreements or amend agreements, leases or invitations to bid for:

- a. Increases in space, building requirements, services or improvements; or
- b. Repairs and replacements which, under the terms of the lease, are the responsibility of the Post Office Department;

when: The amount of each agreement or amendment does not exceed \$7,500.

4. To negotiate and execute agreements with lessors to substitute POD Form 1419, Tax Clause Rider, February 1965, for existing Tax Escalation Clause Riders.

G. *Repairs and maintenance.* To accept bids for repairs and maintenance to leased and rented facilities and to authorize deduction of the cost of same from lessor's rental payments when leased or rented facilities are improperly maintained providing the amount of the deduction will not exceed \$7,500.

H. *Miscellaneous expenditures.* To purchase personal property or services or pay fees necessary in the performance of the authority herein delegated including but not limited to committing the Government for title commitments, land surveys, test borings, real estate appraisals and to the purchase of maps and/or photographs where the cost of such property, services or fee does not exceed \$5,000 and to authorize payment of same, except that not more nor less than \$1 shall be paid as consideration for an option to purchase land.

I. *Cancellation or termination.* To cancel or terminate leases or other agreements or commitments which he is authorized to enter into in the first instance.

ORDER NO. 5

FEBRUARY 1, 1968.

A. *Rental agreements.* 1. When the basic term covered by the rental agreement is for 60 months or less and does not exceed \$3,000 annual rental to:

- a. Accept agreements to rent space.
- b. Exercise or reject option to renew agreements.

2. To make agreements or amend agreements or invitations to bid for:

- a. Increases in space, building requirements, services or improvements.
- b. Repairs and replacements which, under the terms of the agreement, are the responsibility of the Post Office Department.

when: The amount of each agreement or amendment does not exceed \$1,500.

3. To accept agreements for sites for self-service postal units within the preferred location provided the annual rental does not exceed \$1.

B. *Temporary space.* To make agreements for space:

1. For holiday or seasonal needs for fixed periods not in excess of 2 months when the monthly rental does not exceed \$10,000.

2. For fixed periods not in excess of 6 months to meet emergency conditions when the monthly rental does not exceed \$5,000.

C. *Land options.* In those cases when the consideration paid for the option does not exceed \$1.

1. To determine whether advertisements for postal space will be handled with or without benefit of assignable site option procedures.

2. To take, approve, assign, and use assignable site options for advertising purposes as sites for postal buildings provided the option price does not exceed:

- a. \$25,000; and
- b. 25 percent of the total estimated cost of land and improvements;

3. To assign approved site option to successful bidder when the acceptance of the agreement to lease falls within his delegated authority.

D. *Bid advertising.* To commit the Government and to authorize payment for advertising for postal space when the cost of advertising does not exceed \$100.

E. *Leases.* 1. When the basic lease term covered by the lease or agreement is for 10 years or less and does not exceed \$15,000 annual rental to:

- a. Accept agreements to lease space.
- b. Execute lease documents.
- c. Exercise or reject options to renew leases.

2. To make lease extension or supplemental agreements for terms not exceeding 5 years and \$15,000 annual rental.

3. To make agreements or amend agreements, leases, or invitations to bid for:

- a. Increases in space, building requirements, services, or improvements; or
- b. Repairs and replacements which, under the terms of the lease, are the responsibility of the Post Office Department;

when: The amount of each agreement or amendment does not exceed \$3,750.

F. *Repairs and maintenance.* To accept bids for repairs and maintenance to leased and rented facilities and to authorize deduction of the cost of same from lessor's rental payments when leased or rented facilities are improperly maintained providing the amount of the deduction will not exceed \$3,750.

G. *Miscellaneous expenditures.* To purchase personal property or services or pay fees necessary in the performance of the authority herein delegated including but not limited to committing the Government for title commitments, land surveys, test borings, real estate appraisals and to the purchase of maps and/or photographs where the cost of such property, service or fee does not exceed \$500, and to authorize payment of same, except that no more nor less than \$1 shall be paid as consideration for an option to purchase land.

H. *Cancellation or termination.* To cancel or terminate leases or other agreements or commitments which he is authorized to enter into in the first instance.

I. *Authority to act as chief.* In the absence of the Chief, Real Estate Branch, to act as Chief, Real Estate Branch, and exercise all authority normally delegated to that official.

ORDER NO. 6

FEBRUARY 1, 1968.

A. *Miscellaneous expenditures.* To purchase personal property or services or pay fees necessary in the performance of the authority herein delegated including but not limited to committing the Government for title commitments, land surveys, real estate appraisals and to the purchase of maps and/or photographs where the cost of such property, service or fee does not exceed \$100, and to authorize payment of same, except that not more than nor less than \$1 shall be paid as consideration for an option to purchase land.

B. *Cancellation or termination.* To cancel or terminate agreements or commitments which he is authorized to enter into the first instance.

ORDER NO. 7

FEBRUARY 1, 1968.

To approve requests to the General Services Administration Regional Offices for minor alterations and improvements of postal space in Federal Buildings provided the estimated cost for a single project will not exceed \$25,000, plus 10 percent override or a maximum of \$27,500; and provided further that projects may not be split to circumvent this delegation and no combination of projects may exceed regional fund allotments.

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

TIMOTHY J. MAY,
General Counsel.

MARCH 11, 1968.

[F.R. Doc. 68-3161; Filed, Mar. 14, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 49]

DEPUTY ASSOCIATE DIRECTOR AND ASSISTANT

Delegation of Authority Regarding Representation on Zoning Commission of District of Columbia

SECTION 1. The authority delegated by the Secretary of the Interior to the Director, National Park Service to serve as a member of the Zoning Commission of the District of Columbia is hereby redelegated to the Deputy Associate Director, National Park Service and, in the event of his inability to serve, to the Assistant to the Deputy Associate Director, National Park Service.

Sec. 2. Delegation Order No. 44 of August 7, 1967 (32 F.R. 12014) is hereby revoked.

(Act of Mar. 1, 1920, 41 Stat. 500; sec. 2, Reorganization Plan No. 3 of 1950, 245 DM J. 27 F.R. 6395)

Dated: February 12, 1968.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 68-3156; Filed, Mar. 14, 1968;
8:45 a.m.]

[Order 50]

DEPUTY ASSOCIATE DIRECTOR ET AL.

Delegation of Authority Regarding Representation on National Capital Planning Commission

SECTION 1. The authority vested in the Director, National Park Service to serve as an ex officio member of the National Capital Planning Commission is hereby redelegated to the following officials of the National Park Service.

1st Alternate—Deputy Associate Director.

2d Alternate—Assistant Deputy Associate Director.

3d Alternate—Chief, Division of Development Planning and Project Control.

Sec. 2. Delegation Order No. 45 of August 7, 1967 (32 F.R. 12015) is hereby revoked.

(Act of July 19, 1952; 66 Stat. 781)

Dated: February 12, 1968.

GEORGE B. HARTZOG, Jr.,
Director.

[F.R. Doc. 68-3159; Filed, Mar. 14, 1968;
8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report 87]

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

SECTION 1. The Maritime Administration is making available to the appro-

priate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through March 6, 1968, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Total, all flags (204 ships) -	1,482,302
British (54 ships) -	427,166
Antarctica	8,785
Arctic Ocean	8,791
Ardrossmore	5,820
Ardrowan	7,300
Athelcrown (tanker)	11,149
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Baxtergate	8,813
Changpaishan	8,929
Cheung Chau	8,566
Chiang Kiang	10,481
East Sea	9,679
Eastfortune	8,789
Eastglory	8,995
Fortune Enterprise	7,696
Galsdale	6,854
Hemisphere	8,718
Ho Fung	7,121
Huntsfield	9,483
Huntsland	9,353
Huntsville	9,486
Inch Stuart	7,043
**Jeb Lee (trip to Cuba under ex-name Garthdale—British)	7,542
Jollity	8,819
**Kali Elpis (trips to Cuba under ex-name Ardmore—British)	4,664
**Kelso (trips to Cuba under ex-name Ardgem—British)	6,981
Kinross	5,388
La Hortensia	9,486
Magister	2,239
Nancy Dee	6,597
Nebula	8,907
Newglade	7,368
Newheath	7,643
Newlane	7,043
Newmoat	7,151
Oceanramp	6,185
Oceantravel	10,419
Peony	9,037
Red Sea (previous trip to Cuba under ex-name Grosvenor Mariner—British)	7,026
**Rosetta Maud—(trips to Cuba under ex-name Ardtara—British)	5,795
Ruthy Ann	7,361
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Seasage	4,330
Shienfoon	7,127
Southgate—(previous trips to Cuba under ex-name Arlington Court—British)	9,662
Venice	8,611
Vercharman	7,265
Vermont	7,381
Yungfutory	5,388
Yunglutaton	5,414

Cypriot (33 ships) - 240,942

Acme - 7,173

See footnotes at end of table.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Cypriot—Continued	
**Aegis Hope (trips to Cuba under ex-name Huntsmore—British)	5,678
Agenor	7,139
**Aiolos II—(trips to Cuba—Lebanese)	7,256
Akamas (previous trips to Cuba—Lebanese)	7,285
**Alice (previous trips to Cuba—Greek)	7,189
Amfitha (previous trip to Cuba under ex-name Antonia—Greek)	5,171
Amon	7,227
Angeliki	8,482
Anka	7,314
Antonia II (previous trip to Cuba under ex-name Stylianos N. Vlassopoulos—Greek)	7,281
Apollonian	7,229
Areti (previous trips to Cuba—Lebanese)	7,176
Artemida	7,247
*Captain Papalios (tanker)	11,676
Claire (previous trips to Cuba—Lebanese)	5,411
Dorine Papillos (previous trips to Cuba under ex-name Formentor—British)	8,424
E. D. Papalios	9,431
El Toro	5,949
Free Enterprise (previous trips to Cuba—British)	6,805
Free Navigator (previous trips to Cuba under ex-name Newdene—British)	7,165
Free Trader (previous trips to Cuba—Lebanese)	7,061
Katerina (previous trips to Cuba—Lebanese)	9,357
Marika (trips to Cuba—Lebanese)	7,290
Newforest (previous trips to Cuba—British)	7,189
Newgate (previous trips to Cuba—British)	6,743
Newmoor (previous trips to Cuba—British)	7,168
Olga (trips to Cuba—Lebanese and Greek)	7,265
Protoklitos	6,154
Sunrise (previous trips to Cuba under ex-name Anatoli—Greek)	7,216
**Tina (trips to Cuba—Greek)	7,362
Vassiliki (previous trips to Cuba—Lebanese)	7,192
Zela M. (previous trips to Cuba—British)	7,237
Lebanese (23 ships) -	162,767
Alaska	6,989
Antonis	6,259
Astir	5,324
Atticos	7,257
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Mantric	7,255
Marichristina	7,124
Mousse	9,307
Nictric	7,296
Noelle	7,251
Panagos	7,134
Rio	7,194
San Spyridon	7,260
Stevio	7,066
Tertric	7,045
Tony	7,176
Toula	6,426
Vergolivada	6,339
Yanxilas	10,051

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Greek (14 ships)-----	99,357
Agios Therapon-----	7,205
**Allartos (trip to Cuba under ex-name Loradore—British)-----	8,078
Andromachi (previous trips to Cuba under ex-name Penelope—Greek)-----	6,712
**Anna Maria (trips to Cuba under ex-name Helka—British)-----	2,111
Barbarino-----	7,084
Calliopi Michalos-----	7,249
Eftychia-----	9,844
Irena-----	7,232
**Lambros M. Fatsis (trip to Cuba under ex-name—Western Trader—Greek)-----	9,268
Mery-----	7,258
Nicolaos F. (previous trip to Cuba under ex-name Nicolaos Frangistas—Greek)-----	7,199
Nikolis M.-----	7,176
Redestos-----	5,911
Sophia-----	7,030
Polish (20 ships)-----	143,525
Baltyk-----	6,984
Bialystok-----	7,173
Bytom-----	5,967
Chopin-----	9,231
Chorzow-----	7,237
Energetyk-----	10,876
Grodziec-----	3,379
Huta Florian-----	7,258
Huta Labedy-----	7,221
Huta Ostrowiec-----	7,179
Huta Zgoda-----	6,840
Hutnik-----	10,847
Kopalnia Bobrek-----	7,221
Kopalnia Czladz-----	7,252
Kopalnia Mlechowice-----	7,223
Kopalnia Siemianowice-----	7,165
Kopalnia Wujek-----	7,033
Piast-----	3,184
Rejowiec-----	3,401
Transportowiec-----	10,854
Italian (12 ships)-----	107,428
Achille-----	6,950
Agostino Bertani-----	8,380
Atria (tanker)-----	12,845
Caprera-----	7,189
Elia (tanker)-----	11,021
Geremia (previous trips to Cuba under ex-name Mariasusanna—Italian)-----	2,479
Giuseppe Giuletta (tanker)-----	17,519
**Graziella Zeta (trips to Cuba under ex-name Montiron—Italian)-----	1,595
Nino Bixio-----	8,427
San Francesco-----	9,284
San Nicola (tanker)-----	12,461
Santa Lucia-----	9,278
Finnish (9 ships)-----	57,178
**Aleksi (trip to Cuba under ex-name Amfred—Swedish)-----	2,828
Atlas-----	3,916
Augusta Paulin-----	7,096
Isomeri-----	3,576
Jytte Paulin-----	7,010
Margrethe Paulin-----	7,251
Ragni Paulin-----	6,823
Sword (tanker)-----	11,631
*Verna Paulin-----	7,047

See footnotes at end of table.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Panamanian (9 ships)-----	59,429
**Ampuria (trips to Cuba under ex-name Roula Maria—Greek)-----	10,608
**Avranchoise (trips to Cuba under ex-name Avranches—French)-----	7,199
**Cathay Trader (trips to Cuba under ex-name Suva Breeze—British)-----	4,996
**Chung Thal (trip to Cuba under ex-name Somalia—Italian)-----	3,352
**Thalie (trip to Cuba under ex-name Maroudio—Greek)-----	7,369
**Tung Yih (trip to Cuba under ex-name Aristefs—Lebanese)-----	6,995
**Tynlee (trip to Cuba under ex-name Ardenode—British)-----	7,036
**White Dalsey (trips to Cuba under ex-name Anacreon—Greek)-----	6,935
**Yu Lee (trips to Cuba under ex-name Dairen—British)-----	4,939
French (7 ships)-----	33,975
**Atlanta (trip to Cuba under ex-name Enee—French)-----	1,232
Circe-----	2,874
Foulaya-----	3,739
Mungo-----	4,820
Nelee-----	2,874
Penja-----	3,777
Senanque (tanker)-----	14,659
Yugoslav (8 ships)-----	58,063
Bar-----	8,776
Cetinje-----	7,220
Kolasin-----	7,217
Mojkovac-----	7,142
Piva-----	7,519
Plod-----	3,657
Subicevac-----	9,033
Tara-----	7,499
Maltese (4 ships)-----	27,097
Amalia (previous trips to Cuba—British)-----	7,304
Ispahan-----	7,169
Soclyve (previous trips to Cuba—British)-----	7,291
Timos Stavros (previous trips to Cuba—British and Greek)-----	5,333
Moroccan (4 ships)-----	32,746
Atlas-----	10,392
Marrakech-----	3,214
Mauritanie-----	10,392
Toubkal-----	8,748
Netherlands (2 ships)-----	1,615
Melke-----	500
Tempo-----	1,115
Pakistani (2 ships)-----	15,762
**Haringhata (trip to Cuba under ex-name Ardpatrik—British)-----	7,054
**Maulabaksh (trip to Cuba under ex-name Phoenician Dawn and East Breeze—British)-----	8,708
Guinean (1 ship)-----	852
**Drame Oumar (trip to Cuba under ex-name Neve—French)-----	852
Somali (2 ships)-----	14,400
Aragon-----	7,201
Erato (previous trips to Cuba under ex-name Eretria—Greek)-----	7,199

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

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

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

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

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:	Gross tonnage
British (3 ships)-----	23,739
Glenmoor-----	7,792
Hazelmoor-----	7,792
Linkmoor-----	8,155
b. Previous reports:	Number of ships
Flag of Registry (total)-----	108
British-----	41
Cypriot-----	3
Danish-----	1
Finnish-----	2
French-----	1
German (West)-----	1
Greek-----	29
Israeli-----	1
Italian-----	5
Japanese-----	1
Kuwaiti-----	1
Lebanese-----	9
Norwegian-----	5
Spanish-----	6
Swedish-----	1
Yugoslav-----	1

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

Flag of registry	Broken up, sunk or wrecked
British-----	13
Cypriot-----	10
French-----	1
Greek-----	12
Italian-----	3
Lebanese-----	22
Maltese-----	1
Monaco-----	1
Moroccan-----	1
Norwegian-----	1
South African-----	2
Swedish-----	1
Yugoslav-----	4
Total-----	71

Sec. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through March 6, 1968.

Flag of registry	Number of ships										Total
	1963	1964	1965	1966	1967				1968		
					Jan.-Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	
British.....	133	180	126	101	55	12	4	7	2	2	622
Lebanese.....	64	91	58	25	14	—	1	1	2	—	256
Greek.....	99	27	23	27	24	1	3	1	—	1	206
Italian.....	16	20	24	11	9	1	—	1	—	1	83
Cypriot.....	—	1	17	27	31	6	3	2	2	5	94
Yugoslav.....	12	11	15	10	10	—	—	4	—	—	62
French.....	8	9	9	10	6	1	2	1	—	—	46
Finnish.....	1	4	5	11	11	—	—	1	1	1	35
Spanish.....	8	17	—	—	—	—	—	—	—	—	25
Norwegian.....	14	10	—	—	—	—	—	—	—	—	24
Moroccan.....	9	13	1	—	—	—	—	—	—	—	23
Maltese.....	—	2	6	1	4	—	—	—	1	—	14
Netherlands.....	—	4	2	—	—	—	—	—	—	—	6
Swedish.....	3	3	—	—	—	—	—	—	—	—	6
Kuwaiti.....	—	2	1	—	—	—	—	—	—	—	3
Israeli.....	—	—	2	—	—	—	—	—	—	—	2
Danish.....	1	—	—	—	—	—	—	—	—	—	1
German (West).....	1	—	—	—	—	—	—	—	—	—	1
Haitian.....	—	—	1	—	—	—	—	—	—	—	1
Japanese.....	1	—	—	—	—	—	—	—	—	—	1
Monaco.....	—	—	—	1	—	—	—	—	—	—	1
Somali.....	—	—	—	—	1	1	—	—	—	—	2
Subtotal.....	—	—	—	—	1	1	—	—	—	—	—
Polish.....	370	394	290	224	165	22	13	18	8	10	1,514
	18	16	12	10	8	—	1	2	—	—	67
Grand total ..	388	410	302	234	173	22	14	20	8	10	1,581

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

*Added to Rept. No. 86, appearing in the FEDERAL REGISTER issue of Feb. 2, 1968.

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

By order of the Acting Maritime Administrator.

Dated: March 8, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-3168; Filed, Mar. 14, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

W. R. GRACE & 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 8B2263) has been filed by W. R. Grace & Co., Dewey and Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, proposing an amendment to § 121.2550 *Closures with sealing gaskets for food containers* to provide for the safe use of zinc diethyl dithiocarbamate as an optional component of sealing gaskets for food containers.

Dated: March 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3174; Filed, Mar. 14, 1968; 8:46 a.m.]

KENDALL 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 7B2062) has been filed by The Kendall Co., Chicago Division, 309 West Jackson Boulevard, Chicago, Ill. 60606, proposing that § 121.2522 *Polyurethane resins* be amended to provide for the safe use of polyurethane resins as a component of single use, disposable nursing-bottle nipples that contact liquid food.

Dated: March 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3175; Filed, Mar. 14, 1968; 8:46 a.m.]

MEER CORP.

Notice of Filing of Petition Regarding Color Additive Cochineal Extract

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d)), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 60) has been filed by Meer Corp. c/o Mr. Daniel Thompson, Attorney, Carr, Bonner, O'Connell, Kaplan & Scott, 1001 Connecticut Avenue NW., Washington, D.C. 20036, proposing that § 8.317 *Carmines* and § 8.6009 *Carmines* be revised to provide for the use of a concentrated alcoholic or aqueous extract of cochineal for the same purposes that those sections presently prescribe for

carmines. Exemption from certification is requested.

Dated: March 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3176; Filed, Mar. 14, 1968; 8:47 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1)), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0706) has been filed by the Shell Chemical Co., a Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances for residues from post-harvest application of the insecticide 2,2-dichlorovinyl dimethyl phosphate in or on the raw agricultural commodities peanuts at 2 parts per million and beans (dry), cocoa beans, and rice at 0.25 part per million.

The analytical methods proposed in the petition for determining residues of the insecticide are: (1) A cholinesterase inhibition spectrophotometric method with measurement of the absorbance of the unhydrolyzed acetylcholine chloride remaining by means of the color formed with alkaline hydroxylamine and ferric chloride; and (2) a gas-liquid chromatographic technique using an electron capture detector.

Dated: March 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-3177; Filed, Mar. 14, 1968; 8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority Regarding Procurement Regulations and Related Rules

The Assistant Secretary for Administration is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the procurement of personal property and nonpersonal services (including construction) as follows:

1. Issue the Department of Housing and Urban Development Procurement Regulations (HUDPR, 41 CFR Chapter 24) and related rules.
2. Authorize deviations from the Federal Procurement Regulations in individual cases and classes of cases.
3. Authorize deviations from HUDPR in individual cases and classes of cases.
4. Redesignate to a chief officer responsible for procurement the authority to

deviate from HUDPR in individual cases and classes of cases.

(Sec. 205(c), Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 486(c); FPR 1-1.008; sec. 7(d), Dept. of HUD Act, 42 U.S.C. 3535(d))

Effective date. This delegation of authority is effective as of March 15, 1968.

ROBERT C. WEAVER,
Secretary of Housing and
Urban Development.

[F.R. Doc. 68-3201; Filed, Mar. 14, 1968;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

ALLSTATES AIR CARGO, INC.

Notice of Application for Tariff-Filing Authority Pickup and Delivery Zone

MARCH 11, 1968.

In accordance with Part 222 (14 CFR Part 222) of the Board's Economic Regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 19697, from Allstates Air Cargo, Inc., Post Office Box 2128, Newark, N.J. 07114, for authority to provide pickup and delivery service between Newark and the following points:

Points	County
Alexandria Township	Hunterdon.
Bethlehem Township	Do.
Clinton Township	Do.
Delaware Township	Do.
East Amwell Township	Do.
Franklin Township	Do.
Holland Township	Do.
Kingwood Township	Do.
Lebanon Township	Do.
Raritan Township	Do.
Readington Township	Do.
Tewksbury Township	Do.
Union Township	Do.
West Amwell Township	Do.
Cranbury Township	Middlesex.
East Brunswick Township	Do.
Edison Township	Do.
Helmetta Township	Do.
Madison Township	Do.
Monroe Township	Do.
New Brunswick Township	Do.
Piscataway Township	Do.
Plainsboro Township	Do.
South Brunswick Township	Do.
West Brunswick Township	Do.
Atlantic Township	Monmouth
Freehold Township	Do.
Manalapan Township	Do.
Holmdel Township	Do.
Marlboro Township	Do.
Matawan Township	Do.
Middletown Township	Do.
Millstone Township	Do.
Neptune Township	Do.
Ocean Township	Do.
Raritan Township	Do.
Shrewsbury Township	Do.
Upper Freehold Township	Do.
Wall Township	Do.
Bedminster Township	Somerset
Bernards Township	Do.
Branchburg Township	Do.
Bridgewater Township	Do.
Franklin Township	Do.
Green Brook Township	Do.
Hillsborough Township	Do.
Montgomery Township	Do.
Warren Township	Do.

Under the provisions of § 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application within fifteen (15) days after publication of this notice in the FEDERAL REGISTER. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3192; Filed, Mar. 14, 1968;
8:48 a.m.]

[Docket No. 17909; Order No. E-26499]

SPACE AVAILABLE AIRLIFT OF MILITARY MAIL

Order To Show Cause Regarding Establishment of Service Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of March 1968.

Establishment of service rates for space available airlift of certain military mail categories pursuant to Public Law 90-206, Docket No. 17909.

On September 8, 1967, the Board issued Order E-25654 establishing a service mail rate of 11.4 cents per ton-mile applicable to certain mail matter, for convenience referred to as SAM mail, mailed at or destined to overseas Armed Forces Post Offices (AFPO's) and which, pursuant to Public Law 89-725, was to be airlifted on a space available basis. Public Law 90-206 has authorized the space available airlift of certain additional categories of mail.

On January 2, 1968, the Postmaster General filed a motion requesting the Board to amend E-25654 so as to extend the application of the 11.4 cents rate to a part of the space available airlift of certain of the categories of mail covered in Public Law 90-206. The Department of Defense has answered in support of the petition. There have been no answers in opposition.

The Board has tentatively determined that it is appropriate to amend Order E-25654 in the manner requested by the Postmaster General.

Upon consideration of the facts recited above and matters officially noted, the Board proposes to amend Order E-25654, September 8, 1967, as follows:

1. Paragraph 1 shall be amended to read as follows:

"1. The rate established herein shall be applicable only to a new class of mail (hereinafter referred to as SAM mail) consisting of the mail matter described in section 4303(d)(5) and 4560¹ of Title

¹ Space available airlift of the mail matter described in 39 U.S.C. 4560, unlike the categories covered by 39 U.S.C. 4303(d)(5) is authorized between domestic origination/destination points and ports of embarkation/

39 of the United States Code when airlifted on a space available basis in accordance with paragraph (2) below."

2. The first three lines of paragraph 2 shall be stricken and the following language substituted in place thereof:

"2. SAM mail services for which rates of compensation are established herein shall be subject to the following terms and conditions:"

3. Subparagraph (A) under paragraph 2 shall be amended to read as follows:

"(A) The air transportation to be compensated at such rate shall be limited to that involving the transportation of SAM mail between points where section 4303(d)(5) of Title 39, United States Code, authorizes space available airlift of certain mail matter at rates fixed by the Civil Aeronautics Board under section 406 of the Federal Aviation Act, except that the rates established herein shall not apply to the transportation of SAM mail between points within the State of Alaska."

4. In subparagraph B under paragraph 2, strike "Public Law 89-725" and substitute in place thereof "39 United States Code section 4303(d)(5)."

5. In paragraph 3 strike "Public Law 89-725" and substitute in place thereof "39 United States Code section 4303(d)(5)."

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof and the Board's rules of practice (14 CFR Part 302):

It is ordered:

1. That all interested parties and particularly Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans Caribbean Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., Western Air Lines, Inc., the Postmaster General, and the Department of Defense are each directed to show cause why the Board should not issue a final order amending Order E-25654, September 8, 1967, as proposed above, effective on and after January 7, 1968.

2. That all further procedures herein shall be in accordance with the rules of

debarcation as well as between embarkation/debarcation ports and overseas AFPO's. However, transportation between origination/destination points within the 48 contiguous States and ports of embarkation/debarcation is not subject to the rate established herein. In accordance with paragraph 2(A) below, such mail matter shall be subject to the rate established herein only to the extent of its space available transportation between overseas AFPO's and between overseas AFPO's and ports of embarkation/debarcation. The Postmaster General has moved that the rate applicable to space available transportation of military mail between origination/destination points within the 48 contiguous States and ports of embarkation/debarcation be considered in Docket 18381, Nonpriority Service Mail Rate Case.

practice (14 CFR Part 302) and if there is any objection to the rates or other findings specified herein, notice thereof must be filed within eight days, and, if notice is filed, written answer, and supporting documents must be filed within 15 days, after the date of service of this order.

3. That, if notice of objection is not filed within eight days, or if notice is filed and answer is not filed within 15 days after service of this order, all parties shall be deemed to have waived all further procedural steps before an order fixing final rates, and the Board may enter an order fixing the rates proposed herein.

4. That, if any answers are filed, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised thereby, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice.

4. That, if any answers are filed, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised thereby, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice.

5. That this order be served upon the parties specifically listed in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3193; Filed, Mar. 14, 1968;
8:48 a.m.]

[Docket No. 18610]

SOUTHERN AIRWAYS ROUTE REALIGNMENT CASE

Notice of Postponement of Hearing

Notice hereby is given that the hearing in the above-entitled proceeding for the civic parties now assigned to begin on March 26, 1968, is postponed until April 9, 1968, at 10 a.m., in the Assembly Room of the Atlanta Public Library, 126 Carnegie Way NW., Atlanta, Ga. Further hearing for the receipt of testimony of the remaining parties will be held on April 15, 1968, at 10 a.m., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 11, 1968.

[SEAL] HERBERT K. BRYAN,
Hearing Examiner.

[F.R. Doc. 68-3194; Filed, Mar. 14, 1968;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-256]

COORDINATION OF POLICE FREQUENCY REQUESTS

MARCH 8, 1968.

The Federal Communications Commission has received its first application for additional police frequencies made available in recent action by the Commission from the Washington, D.C. Police Department.

On February 9, 1968, the Commission issued an order providing immediate substantial relief for congestion in the land mobile services by doubling the number of communication channels in the 450-470 mega-Hertz band. The Commission order increased the number of channels available for police use from 19, which were shared with other local government units, to a total of 55, including 20 which were allocated exclusively for police use.

The Commission action was responsive to President Johnson's message to Congress asking for "the highest priority in the allocation of new radio channels to police and other emergency services in our largest cities," and to the report of the President's Commission on Law Enforcement and the Administration of Justice, which stressed a need for additional radio channels for police communication. The report of the President's Commission also stated that:

Frequencies should be shared through the development of larger and more integrated police mobile radio networks.

The FCC should require metropolitan areas to submit coordinated requests for additional frequencies, with the manner in which action on a local level is coordinated left to the discretion of local governments.

Greater use should be made of multi-channel radio trunks.

The Federal Communications Commission notes the pertinence of these recommendations to the District of Columbia application. The District of Columbia is the central city of a metropolitan area comprising numerous smaller communities and municipalities. The assignment of all 20 of the newly authorized police frequencies to the central city would create problems that might hinder expansion of other police communications systems in the area and the integration of systems urged by the Commission on Law Enforcement. Preliminary coordination among the police agencies in the area might avoid or lessen the problems. An additional reason for coordination arises from the recently announced availability of a single universal emergency telephone number (911). The use of this number will require cooperation and coordination among the local police and emergency agencies, of the kind

urged by the Commission on Law Enforcement. The FCC notes that such coordination and cooperation among local agencies is required both for service to the public and for efficient utilization of the radio spectrum.

The additional police frequencies are not available for actual assignment until the first of June, but the applications require careful consideration, and will be given immediate attention by the staff of the Commission. The Commission invites comments from other communities and municipalities in the Washington metropolitan area regarding their plans and needs for enlarged mobile radio communications facilities and their relation to the District of Columbia proposals.

The Commission also invites the attention of local government and police officials in other metropolitan areas to these problems and to the need and desirability both of local cooperation and coordination and of advance planning and consultation with the staff of the Commission in order to make the most efficient use of the additional new communications channels that have become available.

The staff of the Commission will endeavor to work closely with the District of Columbia communications officers in processing their application, and is prepared to extend similar help and cooperation to communications officials of other areas in preparing and processing plans and applications to utilize the new communications channels.

Adopted: March 6, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-3197; Filed, Mar. 14, 1968;
8:48 a.m.]

[Docket Nos. 17624, 17625; FCC 68M-409]

FRED KAYSBIER AND SIERRA BLANCA BROADCASTING CO. (KRRR)

Order Scheduling Hearing

In re applications of Fred Kaysbier, Alamogordo, N. Mex., Docket No. 17624, File No. BP-16965; Edward D. Hyman trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., Docket No. 17625, File No. BP-17487; for construction permits:

It is ordered, That H. Clifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 4, 1968, at 10 a.m.; and that a prehearing conference shall be held on April 30, 1968, commencing at 10 a.m.: And, it is further ordered, That all proceedings

¹ Commissioners Hyde, Chairman; and Lee absent.

shall take place in the offices of the Commission, Washington, D.C.

Issued: March 6, 1968.

Released: March 11, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-3195; Filed, Mar. 14, 1968;
8:48 a.m.]

[Docket Nos. 18046, 18047; FCC 68-226]

KFPW BROADCASTING CO. AND BROADCASTERS UNLIMITED

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of George T. Hernreich trading as KFPW Broadcasting Co., Fort Smith, Ark., Docket No. 18046, File No. BPCT-3937; Cleve L. Cotner, Mike Meyer, Carle Robbins, Ernest S. Stephens, and Gilbert Forsgren doing business as Broadcasters Unlimited, Fort Smith, Ark., Docket No. 18047, File No. BPCT-3963; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications for a construction permit for a new television broadcast station to operate on Channel 24, Fort Smith, Ark.

2. There appears to be a significant disparity in the proposed Grade B contours of the applicants. In accordance with the Commission's policy evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.¹

3. Since George T. Hernreich trading as KFPW Broadcasting Co. proposes to mount its antenna structure atop the existing tower of Standard Radio Broadcast Station KFPW, replacing the present six-bay FM antenna now located there, in the event of a grant of this application, the grant shall be made subject to an appropriate condition.

4. The applicants are both qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission, is therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

¹ Harriscope, Inc., FCC 65-1165, 2 FCC 2d 223.

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, in the event of a grant of the application of George T. Hernreich trading as KFPW Broadcasting Co., such grant shall be made subject to the following condition: Prior to the commencement of construction, authority shall be obtained to determine the operating power of Station KFPW by the indirect method and upon completion the antenna resistance shall be remeasured and the results submitted with Form 302 as a request to determine the operating power by the direct method. Data submitted shall include a sketch of the completed installation.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (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 applicants 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 28, 1968.

Released: March 11, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-3196; Filed, Mar. 14, 1968;
8:48 a.m.]

[Docket No. 17777; FCC 68M-414]

TRI-STATE BROADCASTING CO., INC. (KUPD)

Order Regarding Procedural Dates

In re application of Tri-State Broadcasting Co., Inc. (KUPD), Tempe, Ariz., Docket No. 17777, File No. BP-16895; for construction permit.

The Hearing Examiner having under consideration a letter dated March 5, 1968, requesting the following schedule of dates by counsel for the applicant:

Preliminary exhibit exchange: May 10, 1968.

Final exhibit exchange: May 20, 1968.

Notification of witnesses: May 24, 1968.

Commencement of hearing: June 11, 1968.

It is ordered, That the request in the aforesaid letter is granted and the hearing will commence on June 11, 1968.

Issued: March 7, 1968.

Released: March 11, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-3198; Filed, Mar. 14, 1968;
8:48 a.m.]

[Docket Nos. 16290, 16291; FCC 68M-402]

WMGS, INC. (WMGS), AND OHIO RADIO, INC.

Order Scheduling Hearing Conference

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097; for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423; for construction permit.

Pursuant to a written request dated March 6, 1968, from counsel for Ohio Radio, Inc.: It is ordered, That there will be a further hearing conference on March 21, 1968, 9 a.m., in the Commission's offices, Washington, D.C.

Issued: March 7, 1968.

Released: March 8, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-3199; Filed, Mar. 14, 1968;
8:49 a.m.]

[Docket Nos. 18048, 18049; FCC 68-227]

WSTE-TV, INC. (WSTE)

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of WSTE-TV, Inc. (WSTE), Fajardo, P.R., File No. BMPCT-5678; for modification of construction permit; WSTE-TV, Inc. (WSTE), Fajardo, P.R., Docket No. 18048, File No. BMPCT-5777; for extension of time within which to construct; WSTE-TV, Inc. (WSTE), Fajardo, P.R.; Docket No. 18049, File No. BMPCT-6029; for modification of construction permit.

1. The Commission has before it for consideration (a) the above-captioned applications¹ of WSTE-TV, Inc.

¹ The filing of the modification application (BMPCT-6029) indicates that WSTE has abandoned its intention to construct the station in accordance with the facilities requested in its pending modification application (BMPCT-5678). Therefore, since construction in accordance with that application has now been rendered moot, the Commission will set aside its action of May 29, 1962, granting the application and the Commission will dismiss the application, pursuant to § 1.568(b) of the Commission's rules.

(WSTE), permittee of Television Broadcast Station WSTE, Channel 13, Fajardo, P.R.; (b) its opinion in WSTE-TV, Inc., FCC 62-583, 23 RR 804, adopted May 29, 1962, which was subsequently appealed to the Court of Appeals for the District of Columbia Circuit, Case No. 17,139, sub nom WAPA-TV Broadcasting Corporation v. Federal Communications Commission, and which was remanded to the Commission by order of October 26, 1962; and (c) the various pleadings filed in this proceeding which are listed in the appendix hereto.*

2. Since this proceeding is more than 6 years old, a review of the sequence of events is essential to an understanding of the controversy. On November 16, 1961, WSTE filed an application (BMPCT-5678) for modification of construction permit to relocate its transmitter from Sardinera Barrio, 1.5 miles north of Fajardo, to the top of El Yunque Mountain, 8.5 miles west of Fajardo; to increase visual effective radiated power in the horizontal plane from 2.82 kw to 31.6 kw; and to increase antenna height above average terrain from 350 feet to 2,900 feet. The proposed move would have enabled Station WSTE, for the first time, to furnish a predicted principal community signal to San Juan, which is located approximately 30 miles northwest of Fajardo. Petitions to deny this application were filed by Ponce de Leon Broadcasting Co., Inc., of Puerto Rico, licensee of Station WAPA-TV, Channel 4, San Juan, P.R., and El Mundo, Inc., licensee of Station WKAG-TV, Channel 2, San Juan, P.R. The petitioners alleged, in essence, that the applicant had failed to disclose material facts to the Commission in connection with its plans for the construction of Station WSTE-TV and that the applicant had failed to conduct a programing survey. On May 29, 1962, the Commission adopted an opinion, WSTE-TV, Inc., FCC 62-583, 23 RR 804, denying the petitions to deny and granting the modification application.

3. On July 2, 1962, WAPA-TV Broadcasting Corp. (WAPA-successor in interest to Ponce de Leon Broadcasting Co., Inc., of P.R.), filed in the U.S. Court of Appeals for the District of Columbia Circuit an appeal (WAPA-TV Broadcasting Corporation v. Federal Communications Commission, Case No. 17139), from the Commission's decision. By order of July 27, 1962, the Court stayed the Commission's action pending the outcome of the appeal. During the preparation of the record of the case for filing with the Court of Appeals, it was discovered that on February 26, 1962, the applicant had filed with the Commission an "Application for Additional Time to

Construct Radio Station" (FCC Form 701), to which were attached 15 pages of exhibits which purported to change certain aspects of the proposal contained in the modification application. These exhibits included certain findings from a survey of the applicant's proposed service area, new proposed programing based on such survey, changes in the estimate of equipment requirements as the result of changes in programing (including live programing), changes in the applicant's plans for the staffing of its station, and an upward revision in the estimated cost of operation and the estimated revenues for the first year. Since these exhibits had not been associated with the application for a change in transmitter site, they were not considered by the Commission in the preparation of its opinion of May 29, 1962. Following discovery of the fact that the record before the Commission had not been complete, the Commission, on September 10, 1962, filed an appropriate motion in the Court of Appeals for remand of the case to the Commission. On October 26, 1962, the Court of Appeals issued an order remanding the case to the Commission, which provided that,

(T)his case is hereby remanded to the Commission with directions to reopen the record to the extent necessary to determine the import of the exhibits filed by intervenor [applicant] on February 26, 1962.

4. The Commission then advised the parties that it had associated the exhibits with the modification application and believed it appropriate to allow the parties the opportunity to supplement their earlier pleadings before the Commission considered the matter further. Comments were filed by the parties and subsequently, on May 27, 1964, Counsel for WSTE requested that action on the modification application be delayed while an effort was made to locate a better site. On October 26, 1964, WSTE filed an application (BMPCT-6029) for modification of construction permit to make changes in the station's authorized facilities. The applicant proposed to operate from a transmitter site located near East Peak, approximately 7.5 miles southwest of Fajardo and approximately 3 miles southeast of the transmitter site proposed in its then pending modification application (BMPCT-5678), with visual effective radiated power of 67.5 kw in the horizontal plane from an antenna height of 3,170 feet above average terrain. Since a Federal Aviation Administration (FAA) study revealed that operation from the proposed site would result in harmful interference to radar and communications facilities utilized by the FAA and the Department of the Navy, the applicant, on January 20, 1967, filed an amendment to its application to specify a new transmitter site located approximately 5 miles northwest of its previously proposed site, approximately 9 miles west of Fajardo, with effective radiated power of 163 kw in the horizontal plane, and an antenna height above average terrain of 2,000 feet. Supplementary pleadings were filed by WAPA and Telemundo, Inc. (Telemundo-successor in

interest of El Mundo, Inc.) which indicated their objections to a grant of the modification application as amended. In addition, a Petition to Deny the amended application was filed, on March 9, 1967, by Amrex Construction Co., Inc., et al. (Amrex), licensees of mobile radio systems with transmitting and receiving facilities located in the vicinity of WSTE's proposed site. Furthermore, on April 14, 1967, Telesanjuan, Inc. (Telesanjuan), licensee of Television Broadcast Station WTSJ, Channel 18, San Juan, P.R., filed informal objections, pursuant to § 1.587 of the Commissions rules.

5. WAPA, Telemundo and Amrex claim standing in this proceeding as "parties in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, on the grounds that the proposed operation of Station WSTE would divert advertising revenues from WAPA and Telemundo and cause interference to the facilities of Amrex and the other licensees of mobile radio systems located in the vicinity of the proposed transmitter site. Telesanjuan does not claim standing as a "party in interest", but claims the status only of an objector, pursuant to § 1.587 of the Commission's rules. In addition, the El Yunque Radio Users Advisory Committee (Advisory Committee), which represents the operators of a large number of radio facilities located in the vicinity of the proposed site, has filed an informal objection to a grant of the modification application. WSTE disputes the standing of the petitioners on the grounds that the pleadings directed against a grant of the amended modification application were not timely filed. However, in view of our determination (discussed in succeeding paragraphs hereof) that an evidentiary hearing will be necessary in order to resolve a number of public interest considerations in connection with WSTE's proposal and the petitioners' manifest interest in the resolution of those issues, we will, therefore, on our own motion, make WAPA, Telemundo, Amrex, Telesanjuan, and the Advisory Committee parties to this proceeding. Consequently, we do not reach the question of standing.

6. Amrex and the Advisory Committee object to a grant of the modification application on the grounds that WSTE's operation from the proposed transmitter site would cause extensive disruptive interference to the mobile radio systems located in the vicinity of the proposed site. In support of their view, they have submitted feasibility studies which indicate that there is a substantial probability of harmful interference from the proposed operation to the numerous mobile radio systems located on El Yunque Peak. On the other hand, WSTE has submitted an engineering study which indicates that the possibility of interference to any of the other services located near the proposed site is minuscule. An additional consideration arises from the fact that since the proposed transmitter site is located on National Forest lands, under the jurisdiction of the Department of Agriculture, it will be necessary for WSTE to secure a "use

*In addition to the pleadings listed in the appendix, on February 26, 1968, a Petition for Stay was filed by Joaquin Baez, Jr., requesting stay of this proceeding until resolution of a petition for rule making looking toward reassignment of Channel 13 from Fajardo to Mayaguez, P.R. There is no necessity for staying this proceeding since action on the rule making would not be prejudiced by the hearing ordered herein. Therefore, the request for stay will be denied.

permit" from that agency before the land can be utilized. However, the Department of Agriculture has indicated that while the land is available, it will withhold issuance of a "use permit" to WSTE until there has been a resolution of the objections raised by the Advisory Committee. On the basis of the information presently before us, the Commission is unable to resolve the conflict concerning the question of possible interference to other services from the operation of Station WSTE at its proposed transmitter site. Accordingly, we believe that an evidentiary hearing will be necessary in order to resolve this matter. Therefore, an appropriate issue will be specified and the burden of proof with respect thereto will be placed on the applicant.

7. Petitioner, WAPA, contends that the applicant is not financially qualified to construct and operate Station WSTE as proposed. To finance the construction and first-year operation of Station WSTE, the applicant relies upon the availability of a \$1 million bank loan from The First National Bank and Trust Company of Oklahoma City. Since the proposed loan does not contain a definite commitment on the part of the bank to lend the funds, it cannot be determined that the applicant will have available \$1 million with which to finance the station. In the event that WSTE is able to satisfactorily demonstrate the availability of the bank loan, cash in the amount of \$1,181,200 will be needed for the construction and first-year operation of the station, consisting of down payment on equipment—\$180,000; first-year payment on equipment including interest—\$180,000; cost of equipment not subject to deferred credit—\$2,000; buildings—\$92,000; other items—\$39,500; first-year payment including interest on bank loan—\$270,000; first-year cost of operation—\$417,700. Thus, even if WSTE is able to show the availability of the \$1 million bank loan, it will still need an additional \$181,200 to finance the station and the applicant has not indicated the source of such additional funds. Therefore, appropriate financial issues have been specified.

8. Telesanjuan alleges that a grant of WSTE's application will have an adverse impact on UHF television broadcasting in San Juan, P.R. An examination of the present situation in San Juan reveals that this concern with the impact of the proposed transmitter move on UHF development may be valid. At the present time, San Juan has three operating commercial VHF television broadcast stations (Station WKAQ-TV, Channel 2, Station WAPA-TV, Channel 4, and Station WKBM-TV, Channel 11, Caguas), an operating noncommercial VHF television broadcast station (Station WIRP-TV, Channel 6), an operating UHF commercial television broadcast station (Station WTSJ, Channel 18) an authorized UHF commercial television broadcast station (Station WITA-TV, Channel 30, which has been authorized to remain temporarily silent pending the filing of an application for a new transmitter site), a pending application for

UHF Channel 24 and reserved Channel 74, for which no application is pending. Operating as proposed, Station WSTE would place a predicted principal city signal over all of San Juan and thus provide San Juan with its fourth commercial VHF signal. We think that under these circumstances, it is necessary to explore in a hearing whether the proposed operation would have an adverse impact upon the development of UHF television broadcast in WSTE's proposed service area. Accordingly, an appropriate issue will be specified. The burden of proceeding with the introduction of evidence and the burden of proof with respect to the UHF impact issue will be placed on the respondents.

9. Since the necessity for an evidentiary hearing with regard to the modification application is clear on independent grounds, a question arises as to the disposition to be made of the various allegations and arguments advanced by the petitioners to the effect that WSTE failed to disclose material facts to the Commission within the meaning of Hall et al., v. Federal Communications Commission, 99 U.S. App. D.C. 86, 237 F. 2d 567, 14 RR 2009, and failed to study the programming needs and interests of its proposed service area as required by Suburban Broadcasters, 30 FCC 1021, 20 RR 951; affirmed sub nom, Suburban Broadcasters v. Federal Communications Commission, 112 U.S. App. D.C. 257, 302 F. 2d 191, 23 RR 1016. Under the circumstances, we are specifying appropriate issues on these matters.

10. Petitioners have also alleged that the proposed transmitter move would constitute a de facto reallocation of Channel 13 from Fajardo to San Juan. In support of this view, petitioners state that the use of Channel 13 at the proposed site and with the facilities requested will result in WSTE providing a predicted principal city signal to San Juan and coverage to almost 90 percent of Puerto Rico. Petitioners also allude to the history of certain other television stations in which Mr. James C. Leake, principal stockholders of WSTE, has had a substantial ownership interest, in order to substantiate their contention that Mr. Leake has a history of persuading the Commission to permit the relocation of such stations toward larger communities. We do not believe that this history is relevant to this proceeding, since in each case where action has been taken, the Commission determined that Mr. Leake's proposal would serve the public interest, convenience, and necessity. Furthermore, we do not agree that grant of the modification application would result in a reallocation of Channel 13. WSTE's proposed transmitter site will only be located a short distance from Fajardo. Moreover, from the proposed site, the station will continue to provide a predicted principal city signal to its principal community, Fajardo. In addition, the applicant indicates that it will still serve the needs of Fajardo and while the applicant has not indicated a specific location for its main studios in Fajardo, it has indicated that the main studios will continue to be located in Fajardo at a

site to be subsequently determined. Furthermore, the fact that WSTE's coverage area will increase as a result of the proposed move does not necessitate a conclusion that there will be a de facto reallocation of the channel. The Commission encourages the operation of television broadcast stations with maximum facilities where such operation will not conflict with Commission rules or policy. Therefore, since there is substantial evidence to support the conclusion that if the proposed transmitter move is granted, the station will continue to meet its obligations to its principal community, Fajardo, no issue with respect to de facto reallocation of Channel 13 has been specified. Cosmos Broadcasting Corporation, 5 FCC 2d 690, 8 RR 2d 975.

11. It is appropriate at this time also to designate for hearing the applicant's pending application (BMPCT-5777) for extension of time within which to complete construction, so that all of its pending applications will be before the Commission in the same proceeding. Consequently, and for this reason only, the applicant's pending extension application is being consolidated for hearing with the modification application.

12. We have carefully considered all of the matters raised in the various pleadings and, except as indicated by the issues specified below, we find that the applicant is qualified to construct and operate as proposed and that, except as indicated in the preceding paragraphs hereof, no substantial and material questions of fact have been raised by the pleadings. The Commission, however, is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the view that the applications must be designated for hearing on the issues set forth below:

It is ordered. That, upon the Commission's own motion, its action of May 29, 1962, granting WSTE-TV, Inc.'s application (BMPCT-5678) for modification of construction permit is set aside and the application is dismissed, pursuant to § 1.568(b) of the Commission's rules.

It is further ordered. That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications (BMPCT-5777 and BMPCT-6029) of WSTE-TV, Inc., are designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine to what extent the operation of Station WSTE as proposed might cause harmful interference to other radio facilities located on El Yunque Peak, and if harmful interference is caused, the extent to which WSTE-TV, Inc., with the cooperation of the owners and operators of the other radio facilities, should be able to resolve problems of harmful interference to other radio facilities located on El Yunque Peak.

2. To determine whether WSTE-TV, Inc., will have available a \$1 million bank loan from The First National Bank and Trust Company of Oklahoma City to

finance the construction and first-year operation of Station WSTE.

3. To determine, in the event that (2) above is resolved in the affirmative, how WSTE-TV, Inc., will obtain sufficient additional funds with which to finance the construction and first-year operation of the station.

4. To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

5. To determine whether WSTE-TV, Inc., concealed material facts with respect to the operation proposed in its various applications involving Station WSTE.

6. To determine the efforts made by WSTE-TV, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned applications (BMPCT-5777 and BMPCT-6029) would serve the public interest, convenience, and necessity.

It is further ordered, That, to the extent indicated herein, the petitions to deny filed by WAPA-TV Broadcasting Corp., Telemundo, Inc., and Amrex Construction Co., Inc., et al., and the informal objections filed by Telesanjuan, Inc., and the El Yunque Radio Users Advisory Committee are granted, and in all other respects are denied, and the petition for stay filed by Joaquin Baez, Jr., is denied.

It is further ordered, That WAPA-TV Broadcasting Corp., Telemundo, Inc., Telesanjuan, Inc., Amrex Construction Co., Inc., et al., and the El Yunque Radio Users Advisory Committee are made parties respondent in this proceeding upon the Commission's own motion.

It is further ordered, That, the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issues 1, 2, 3, 6, and 7 is hereby placed upon WSTE-TV, Inc., and the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 4 is hereby placed upon respondents WAPA-TV Broadcasting Corp., Telemundo, Inc., and Telesanjuan, Inc., and with respect to Issue 5 is hereby placed upon WAPA-TV Broadcasting Corp. and Telemundo, Inc.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the parties respondent herein, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (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 set 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 23, 1968.

Released: March 11, 1968.

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

APPENDIX

APPLICATIONS AND PLEADINGS FILED

1. Application (BMPCT-5678) filed November 16, 1961, by WSTE-TV, Inc. (WSTE), requesting modification of construction permit to make changes in authorized facilities of Television Broadcast Station WSTE, Channel 13, Fajardo, P.R.
2. Petition to deny, filed January 2, 1962, by Ponce de Leon Broadcasting Co., Inc., of Puerto Rico (Ponce de Leon), licensee of Television Broadcast Station WAPA-TV, Channel 4, San Juan, P.R., against (1) above.
3. Petition to deny, filed January 2, 1962, by El Mundo, Inc. (El Mundo), licensee of Television Broadcast Station WKAQ-TV, Channel 2, San Juan, P.R., against (1) above.
4. Oppositions to petitions to deny, filed January 31, 1962, by WSTE, to (2) and (3) above.
5. Reply, filed February 21, 1962, by Ponce de Leon, to (4) above.
6. Reply, filed February 21, 1962, by El Mundo, to (4) above.
7. Application (BMPCT-5777) filed August 20, 1962, by WSTE requesting extension of time within which to complete construction of Station WSTE.
8. Application (BMPCT-6029) filed October 26, 1964, by WSTE, requesting modification of construction permit to make changes in authorized facilities of Station WSTE.
9. Informal objections, filed December 20, 1966, by El Yunque Radio Users Advisory Committee (Advisory Committee), against (8) above.
10. Amendment to Application (BMPCT-6029) filed January 20, 1967, by WSTE, requesting changes in the facilities proposed in (8) above.
11. Response, filed February 27, 1967, by WSTE, to (9) above.
12. Letter, filed March 9, 1967, by Telemundo, Inc. (Telemundo-successor in interest to El Mundo), directed against (10) above.
13. Petition to deny, filed March 9, 1967, by Amrex Construction Co., Inc., et al. (Amrex), licensees of mobile radio systems located on El Yunque Peak, P.R., directed against (10) above.
14. Opposition, filed March 16, 1967, by WSTE, to (13) above.
15. Supplement to petition to deny, filed March 17, 1967, by Amrex, against (10) above.
16. Motion to strike supplement to petition to deny, filed March 22, 1967, by WSTE, against (15) above.
17. Reply, filed March 30, 1967, by Amrex, to (14) above.
18. Informal objections, filed April 14, 1967, by Telesanjuan, Inc. (Telesanjuan), licensee of Television Broadcast Station WTSJ, Channel 18, San Juan, P.R., against (10) above.
19. Opposition, filed April 24, 1967, by WSTE, to (18) above.
20. Reply, filed April 28, 1967, by Telesanjuan, to (19) above.
21. Supplement to petition to deny, filed May 4, 1967, by WAPA-TV Broadcasting Corp. (WAPA-successor in interest to Ponce de Leon), directed against (10) above.
22. Opposition, filed May 17, 1967, by WSTE, to (21) above.
23. Reply, filed May 25, 1967, by WAPA, to (22) above.

[F.R. Doc. 68-3200; Filed, Mar. 14, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-242]

CASCADE NATURAL GAS CORP.

Notice of Application

MARCH 8, 1968.

Take notice that on March 4, 1968, Cascade Natural Gas Corp. (Applicant), 222 Fairview Avenue North, Seattle, Wash. 98109, filed in Docket No. CP68-242 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 an additional 4,050 horsepower compressor station and related facilities in the Dragon Trail Area, Rio Blanco County, Colo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated cost of the facilities to be constructed under the requested authorization is \$685,000 to be financed from cash on hand, cash generated from normal operations and from financing currently being negotiated.

The application further states that the proposed facilities, coupled with increased supplies of gas from Continental Oil Co., will enable Applicant to increase its ability to meet its authorized deliverability obligation to Mountain Fuel Supply Co. It is stated that the authorization here requested will not enable Applicant to increase its jurisdictional sales beyond presently authorized limits.

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 April 8, 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. 68-3154; Filed, Mar. 14, 1968;
8:45 a.m.]

[Docket No. RI68-492]

REDFERN OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

MARCH 8, 1968.

On February 9, 1968, Redfern Oil Co. (Redfern)¹ tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of change, dated February 6, 1968.²

Purchaser and producing area: El Paso Natural Gas Co. (Denton Gasoline Plant, Lee County, N. Mex.) (Permian Basin Area).

Rate schedule designation: Supplement No. 5 to Redfern's FPC Gas Rate Schedule No. 1.

Effective date: March 11, 1968.³

Amount of annual increase: \$125.

Effective rate: 17.0816 cents per Mcf.⁴

Proposed rate: 18.2758 cents per Mcf.⁵

Pressure base: 14.65 p.s.i.a.

The subject sale is being made under Redfern's small producer certificate issued July 20, 1967, in Docket No. CS67-66. The order issuing the small producer certificate did not terminate Redfern's FPC Gas Rate Schedule No. 1 so that Redfern could continue to collect, subject to refund, a rate in excess of the applicable area base rate ceiling prescribed in Opinion No. 468. Such action was consistent with the Commission's order issued February 6, 1967, in Rodman and Late et al., Docket No. CS66-48 et al., granting relief to small producers by permitting them to continue to collect rates in excess of the applicable area ceiling rates. In addition, the order issuing the small producer certificate stated that Redfern's 17.0816 cents per Mcf rate was subject to rejection as of the date of issuance of the order in the event the Permian court stay is dissolved or the moratorium provision in Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review.

Since Redfern's proposed rate exceeds the applicable area base rate prescribed in Opinion No. 468, as amended, it should

be suspended for 5 months from March 11, 1968, the proposed effective date, as herein ordered. The proposed rate will also be subject to rejection, as of the date of filing, if Permian is upheld upon final court review.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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 a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Redfern's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Redfern's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Redfern's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until August 11, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 24, 1968.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-3155; Filed, Mar. 14, 1968;
8:45 a.m.]

[Docket No. CP68-244]

TRUNKLINE GAS CO.

Notice of Application

MARCH 8, 1968.

Take notice that on March 5, 1968, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP68-244 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to interconnect its facilities with those of Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tennessee), near Applicant's Compressor Station No.

313, Centerville, La., in order to utilize a long-term transportation agreement whereby Tennessee will transport gas for Applicant from Centerville to a point in the vicinity of Kinder, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, the agreement provides for an initial quantity of 200,000 Mcf per day which can be increased by Applicant to 500,000 Mcf per day.

Applicant estimates the cost of the facilities to be \$300,000 to be financed from funds on hand.

The Applicant states that the agreement, if authorized, will result in substantial savings and increased ability to supply its transmission facilities with increasing volumes of gas.

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 April 5, 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. 68-3156; Filed, Mar. 14, 1968;
8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS UNDER LONG-TERM ARRANGEMENT REGARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Tariff Schedules of U.S. Annotated Numbers

MARCH 12, 1968.

There was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), a list of the Tariff Schedules of the U.S. Annotated Numbers arranged by the 64 Categories of cotton textiles and cotton textile products to be used by the

¹ Address is: Post Office Box 1747, Midland, Tex. Attention: John J. Redfern, Jr.

² Sale being made under small producer certificate issued July 20, 1967, in Docket No. CS67-66.

³ The stated effective date is the effective date proposed by Redfern.

⁴ Effective subject to refund in Docket No. RI62-290; included in Permian Basin order to Show Cause issued Aug. 5, 1965, in Docket Nos. AR61-1, et al.

⁵ Favored-nation rate increase.

United States in administering the Long-Term Arrangement Regarding International Trade in Cotton Textiles beginning on January 1, 1968. The purpose of this notice is to announce the following amendments to the aforesaid list:

1. The unit of measure for Category 62 is amended to read "Pounds" instead of "Dozen".

2. T.S.U.S.A. Nos. 380.3993 and 380.3995 and the description of the same are stricken and amended to read "380.3994 Other."

3. T.S.U.S.A. Nos. 382.3393 and 382.3395 and the description of the same are stricken and amended to read "382.3394 Other."

4. T.S.U.S.A. No. 390.3980 is stricken and amended to read "380.3980."

Accordingly, the list of Long-Term International Cotton Textile Agreement Categories by Tariff Schedules of the U.S. Annotated Numbers published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), is hereby amended.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Secretary
for Resources.

[F.R. Doc. 68-3184; Filed, Mar. 14, 1968;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4597]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Amendment of Certificate of Incorporation To In- crease Authorized Shares of Com- mon Stock and Order Authorizing Solicitation of Proxies in Connection Therewith

MARCH 11, 1968.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) (2), 7, 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to submit to its stockholders at a special meeting to be held April 24, 1968, a proposal to amend its certificate of incorporation to increase from 50 million to 65 million the aggregate number of authorized shares of common stock, par value \$6.50 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used (a) to retire AEP's notes to banks and commercial paper notes, heretofore

authorized, (b) for future stock dividends, and (c) to permit the acquisition of operating properties or securities of one or more public-utility companies. The proposed amendment will require the affirmative vote of the holders of the majority of the 47,448,903 outstanding shares of common stock. AEP intends to solicit proxies, which are to be mailed on or about March 20, 1968, the date of record for voting eligibility, from its common stockholders to obtain the requisite approval of the proposed amendment. AEP proposes to make telephonic, telegraphic, or personal solicitation to some stockholders through its officers and regular employees.

It is stated that the fees and expenses, excluding State taxes, of AEP to be paid in connection with the proposed amendment will not exceed \$5,000, including legal fees. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. AEP has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than March 29, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that AEP's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction should be reserved with respect to the expenses thereof:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62, and that jurisdiction be, and it

hereby is, reserved with respect to the expense thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3179; Filed, Mar. 14, 1968;
8:47 a.m.]

[70-4598]

AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of Installment Notes to Banks and Proposed Charter Amendment and Order Authorizing Solicitation of Proxies

MARCH 11, 1968.

Notice is hereby given that American Natural Gas Co. ("American Natural"), 30 Rockefeller Plaza, Suite 4950, New York, N.Y. 10020, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the transactions proposed. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

American Natural proposes to issue and sell its installment promissory notes to two banks in an aggregate principal amount of \$27 million. The banks and their commitments are as follows: First National City Bank, New York, N.Y., \$18 million, and Manufacturers Hanover Trust Co., New York, N.Y., \$9 million. American Natural intends to borrow \$24 million in May or June 1968 and the remaining \$3 million by the end of the year. The notes will be unsecured, and there is no commitment fee. The notes may be prepaid at any time without penalty unless the prepayment is made out of the proceeds of borrowings from other banks, in which case a premium of one-quarter of 1 percent per annum is payable on the amount prepaid for a period from the date of such prepayment to the stated maturity date of the amount prepaid. Borrowings and prepayments will be approximately pro rata with the amount of the commitment of each bank. The notes will be dated as of the date of issuance and will mature serially to October 31, 1973, as follows: \$5 million on October 31 of each of the years 1969 through 1972 and \$7 million on October 31, 1973.

Each of the notes will bear interest at a rate per annum equal to the best rate charged on short-term loans to substantial and responsible commercial borrowers by First National City Bank in effect on the date of issuance plus one-quarter of 1 percent, which interest rate shall be adjusted to a rate per annum equal to one-quarter of 1 percent greater than such best rate in effect on the first day of each succeeding February, May, August, and November. Interest will be

computed on a bond interest basis and will be payable quarterly on the last day of January, April, July, and October.

American Natural will use the proceeds of the notes, together with funds generated internally, to acquire additional shares of the common stock of its subsidiary companies in order to provide funds to be applied by such companies toward financing their 1968 construction programs, estimated to aggregate \$150 million. The notes will be paid from funds generated internally.

American Natural also proposes to amend its certificate of incorporation, pursuant to the General Corporation Law of the State of Delaware, to increase its authorized capital stock from 15,650,000 shares of par value of \$10 common stock to 17 million shares. At January 31, 1968, American Natural had outstanding 15,512,232 shares of common stock and 116,511 shares reserved for issuance to holders of outstanding options, leaving 21,257 shares available for other purposes. American Natural deems it advisable that additional authorized shares of its common stock be made available for general corporate purposes.

Adoption of the proposed amendment will require the favorable vote of the holders of a majority of the common stock of American Natural entitled to vote at its annual meeting of stockholders to be held on April 24, 1968. American Natural intends to submit the proposed amendment to its common stockholders for their approval at such meeting. In connection therewith, American Natural proposes, pursuant to Rule 62 under the Act, to solicit proxies from holders of its outstanding common stock to be voted at the annual meeting.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at \$4,500, including legal fees of \$2,500. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

American Natural has requested that the effectiveness of its declaration with respect to the solicitation of proxies from its common stockholders be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 8, 1968, request in writing that a hearing be held with respect to the proposed issue and sale of notes and the proposed amendment of the Certificate of Incorporation, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of

service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that American Natural's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3180; Filed, Mar. 14, 1968;
8:47 a.m.]

[812-2286]

LIBERTY CORP.

Notice of Filing of Application for Order Exempting Transaction

MARCH 11, 1968.

Notice is hereby given that The Liberty Corp. ("Applicant"), Post Office Box 789, Greenville, S.C., a South Carolina corporation, has filed an application pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940, 15 U.S.C. section 80a-1 et seq. ("Act"), for an order exempting from the provisions of section 17(a) of the Act the proposed purchase by Applicant from Insurance Securities Trust Fund ("Fund"), a registered open-end diversified investment company, of 397,594 shares (7.9 percent) of the outstanding capital stock of Liberty Life Insurance Co. ("Liberty Life") in exchange for 397,594 shares of common stock of Applicant, as part of a plan of exchange described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was incorporated on November 27, 1967, for the purpose of becoming the parent of Liberty Life. Its capitalization consists of 2 million shares of preferred stock, of which no shares are outstanding, and 10 million shares of common stock, of which 75 shares are outstanding. Liberty Life is a South

Carolina legal reserve life insurance company. Its capitalization consists of 5 million shares of capital stock, all of which are outstanding. Under section 2(a)(3) of the Act, since Fund holds 7.9 percent of the capital stock of Liberty Life and Liberty Life and Applicant may be deemed under common control, Liberty Life is an affiliate of Fund and Applicant is an affiliate of Liberty Life.

On January 22, 1968 Applicant directed an offer to all of the shareholders of Liberty Life, undertaking to exchange one share of Applicant's common stock for each outstanding share of Liberty Life's capital stock. The effectiveness of this offer is contingent upon the receipt by Applicant of 95 percent of the outstanding shares of Liberty Life capital stock, subject however, to the right of Applicant to declare the offer effective upon the receipt of not less than 80 percent of the outstanding shares of Liberty Life capital stock. The offer expires on March 22, 1968, or on such date prior thereto as Applicant shall have received 95 percent of the outstanding stock of Liberty Life. As of February 26, 1968 holders of 88.93 percent of the stock of Liberty Life had tendered their shares in acceptance of the exchange offer.

Immediately upon the effectiveness of the offer the only asset of Applicant will be the shares of Liberty Life and \$500 in cash representing initial capital required under South Carolina law. Since the offer is on a share for share basis to each shareholder of Liberty Life, if the offer becomes effective the shareholders of Applicant will own the same proportionate interest in Liberty Life, through their holdings in Applicant, as they owned prior to the effectiveness of the offer. The immediate effect of the offer will be merely to change the manner of holding the investment in Liberty Life of the former shareholders of that company.

Neither Applicant nor Liberty Life has any director or officer in common with the Fund or with its investment adviser and underwriter, Insurance & Securities, Inc., and neither Applicant nor Liberty Life controls, is controlled by, or is under common control with the Fund or said adviser. Neither Applicant (which has no subsidiaries) nor Liberty Life or its subsidiaries owns any shares or has any ownership interest in the Fund or said adviser.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any securities or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, 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.

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 set forth 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. 68-3181; Filed, Mar. 14, 1968;
8:47 a.m.]

[70-4603]

POTOMAC EDISON CO. ET AL.

Notice of Proposed Issue and Sale, and Acquisition of Common Stock

MARCH 11, 1968.

Notice is hereby given that The Potomac Edison Co. ("Potomac Edison"), 200 East Patrick Street, Frederick, Md., an electric utility company and a registered holding company, and its subsidiary companies, The Potomac Edison Company of Pennsylvania ("PE-Pa."), The Potomac Edison Company of Virginia ("PE-Va.") and The Potomac Edison Company of West Virginia ("PE-W. Va."), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"). Potomac

Edison is a subsidiary company of Allegheny Power System, Inc., also a registered holding company. Applicants-declarants have designated sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

PE-Pa, PE-Va and PE-W. Va. (hereinafter collectively referred to as the "Subsidiary Companies"), in order to provide funds for necessary property additions and improvements, will issue and sell, from time to time prior to December 31, 1968, to Potomac Edison shares of their authorized but unissued common stock, for a cash consideration equal to the aggregate par or stated value thereof, as follows:

Name of company	Number of shares	Cash consideration
PE-Pa.: Common stock, stated value \$5 per share.....	180,000	\$900,000
PE-Va.: Common stock, par value \$100 per share.....	12,000	1,200,000
PE-W. Va.: Common stock, par value \$100 per share.....	38,000	3,800,000

Potomac Edison owns all of the outstanding shares of the common stock of the Subsidiary Companies, and has pledged them under the indenture dated as of October 1, 1944, as supplemented, securing its first mortgage and collateral trust bonds. Potomac Edison will similarly pledge the shares of common stock proposed to be acquired.

The fees and expenses to be paid in connection with the issue, sale, and acquisition of the shares of common stock of the Subsidiary Companies are estimated to total \$670, including counsel fees of \$300.

The joint application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction over the issue of the common stock by PE-Pa.; the State Corporation Commission of Virginia has jurisdiction over the issue and acquisition of the common stock of PE-Va.; and the Public Service Commission of West Virginia has asserted jurisdiction over the acquisition of all of the common stocks by Potomac Edison. The orders of these commissions, when issued, will be filed herein by amendment. No other State commission, or Federal commission, other than this Commission, has jurisdiction over said transactions.

Notice is further given that any interested person may, not later than April 2, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C.

20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3182; Filed, Mar. 14, 1968;
8:47 a.m.]

ROVER SHOE CO.

Order Suspending Trading

MARCH 11, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Rover Shoe Co., Bushnell, Fla., and stock purchase warrants of Rover Shoe Company 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 12, 1968, through March 21, 1968, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-3183; Filed, Mar. 14, 1968;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 259; Special Permission
68-4000]

INCREASED FREIGHT RATES, 1968

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., this 8th day of March 1968.

Upon consideration of a petition filed by Edward A. Kaier, and other attorneys, dated March 7, 1968, for and on behalf of substantially all Class I Railroads of the

United States, and some railroads of other classifications, and on behalf of certain water and motor carriers having joint rates with said railroads, for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable such carriers to publish general increases in varying amounts in freight rates and charges by means of a master tariff and other short-form methods, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increases in rates and charges:

For good cause shown: *It is ordered:*

1. Carriers for and on whose behalf the above-mentioned petition was filed, and their tariff-publishing agents, be, and they are hereby, authorized to depart from the Commission's tariff-publishing rules when posting and filing tariffs to become effective on not less than 75 days' notice to the Commission and to the public but not earlier than May 27, 1968, providing for increased rates and charges set forth above in the following manner:

(a) By publication and filing of a master tariff of increased rates and charges, which shall contain a provision reading substantially as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application of this tariff and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission.

In the event an increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected.

(b) By publication and filing of connecting-link supplements to one or more tariffs connecting such a tariff or tariffs with the master tariff of increased rates and charges.

(c) By publication and filing of tariffs or supplements of specific increased rates and charges, subject to the same provision concerning refunds as contained in paragraph 1(a); and

(d) By publication of provisions in tariffs or supplements subjecting the rates and charges therein to the provisions of the master tariff.

2.(1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short-form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 86-4000 of March 8, 1968.

(2) Other tariffs or supplements containing specific increased rates or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 68-4000 of March 8, 1968.

3. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter per-

mitted. This and all other relief from the Commission's tariff-publishing rules authorized herein shall expire with March 8, 1969.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased rates and charges, and all tariffs filed shall be subject to protest, suspension, or rejection.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3185; Filed, Mar. 14, 1968;
8:47 a.m.]

[Ex Parte No. 259]

INCREASED FREIGHT RATES, 1968

MARCH 12, 1968.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 12th day of March A.D. 1968.

It appearing, that on March 11, 1968, substantially all of the Class I railroads and many other railroads filed schedules of increased freight rates and charges under authority of section 6 of the Interstate Commerce Act and Special Permission Order No. 68-4000 issued by the Commission said tariff schedules to become effective May 27, 1968, subject to possible investigation and suspension by the Commission as provided by the Act;

It further appearing, that on March 7, 1968, the above railroads together with certain water and motor carriers filed a petition requesting the issuance of orders granting relief from outstanding orders entered by the Commission in previous cases, for relief from section 4 of the Act, and for all other relief necessary to permit the aforesaid schedules to go into effect without suspension but subject to the condition that refund be made in the event that, after full investigation, no increase or a lesser increase than that set forth in the schedules is allowed with respect to particular rates; and also asking that the Commission grant all final relief, after complete investigation, necessary to the charging of the aforesaid increased rates and charges:

It is ordered, That pursuant to the provisions of section 17 of the Interstate Commerce Act, 49 U.S.C. section 17, assignment of responsibilities to any Division or Board with respect to the matters presented by the above-described petition are hereby rescinded as to this proceeding and the determination thereof reserved to the Commission.

It is further ordered, That under section 4 of the Administrative Procedure Act (5 U.S.C. section 553), sections 4, 6,

15, and 15a of the Interstate Commerce Act (49 U.S.C. sections 4, 6, 15, and 15a) any person may submit statements, with or without exhibits attached, as set forth hereinafter. All such statements shall be duly verified in the manner provided by Rule 1.50 and Form No. 6 of the general rules of practice.

(a) Statements in support of petition and in justification of proposed tariffs shall be filed and served on or before March 25, 1968. An original and 24 copies of such statements shall be furnished to the Commission, a copy served upon each party of record in Ex Parte No. 256, and one copy shall be sent by first-class mail to each of the Regional Offices of the Commission listed in the appendix to this order, where it will be open to public inspection. A copy of such statements shall be furnished to any interested person upon request. Evidence in support of the petition to meet the petitioners' burden of proof shall be responsive to the admonitions of the Commission as set forth at pages 283 through 290 of the final report in Docket No. 256, "Increased Freight Rates, 1967."

(b) On or before April 22, 1968, any party opposing the above-described tariffs and petition may file and serve verified statements as provided hereinafter. An original and 24 copies of each verified statement shall be furnished to the Commission. Service of 25 copies upon Mr. Edward A. Kaier, 1036 Transportation Building, Washington, D.C., shall constitute service upon all petitioners. One copy of each statement shall be sent by first-class mail to each of the Regional Offices of the Commission, where it will be open to public inspection. A copy shall be furnished to any interested person upon request.

(c) In lieu of such verified statements, protests against the above-described tariffs may be filed by any interested party in accordance with the provisions of Rule 42 of the general rules of practice, provided, however, that such protests are filed with the Commission and served upon the petitioners on or before April 22, 1968.

(d) Replies by petitioners to verified statements and protests of opponents may be filed and served on or before April 29, 1968. An original and 24 copies shall be furnished to the Commission and the person whose verified statement is being replied to shall be served with a copy of the reply by first-class mail. A copy of each verified reply statement shall be sent to each of the Regional Offices of the Commission where it will be open to public inspection. A copy shall be furnished to any interested party upon request.

It is further ordered, That briefs supplemental to or in lieu of oral argument may be filed and served on or before May 6, 1968. Filing and service by parties opposing the petition and tariffs shall conform to the requirements regarding verified statements set forth in subparagraph (b) above. Filing and service by the petitioners shall be as provided for verified statements in subparagraph (a), above, except that in lieu of service upon parties of record in Docket No. 256,

service shall be made upon parties filing and serving protests and statements in opposition in this proceeding.

It is further ordered, That an oral argument will be held before the Commission at its offices in Washington, D.C., beginning at 10 a.m., May 16, 1968. Any person desiring to participate in oral argument shall, on or before May 1, 1968, request an allotment of time. The oral argument will include the issues of whether to grant the relief requested in the above-described petition, and whether to suspend or investigate the proposed tariff schedules in whole or in part.

And it is further ordered, That a copy of this order be filed with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX

Regional Offices of the Commission to which a copy of verified statements are to be sent. Other copies are to be sent to the Commission, Washington, D.C. 20423, as provided by the order.

Regional Office, Interstate Commerce Commission, John Fitzgerald Kennedy Building, Government Center, Room 2211B, Boston, Mass. 02203.

Regional Office, Interstate Commerce Commission, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

Regional Office, Interstate Commerce Commission, 1252 West Peachtree Street NW., Atlanta, Ga. 30308.

Regional Office, Interstate Commerce Commission, 1086 U.S. Courthouse & Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

Regional Office, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

Regional Office, Interstate Commerce Commission, Federal Office Building, 450 Golden Gate Avenue, Post Office Box 36004, San Francisco, Calif. 94102.

[F.R. Doc. 68-3186; Filed, Mar. 14, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 8, 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. 41255—*Class and commodity rates from and to Burnham Siding, S.C.* Filed by O. W. South, Jr., agent (No. A5085), for interested rail carriers. Rates on property moving on class and commodity rates, between Burnham Siding, S.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.
[F.R. Doc. 68-3187; Filed, Mar. 14, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 12, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41257—*Petroleum products and related articles from Plaquemine, La.* Filed by Southwestern Freight Bureau, agent (No. B-9050), for interested rail carriers. Rates on petroleum, petroleum products, and related articles, in tank carloads, as described in the application, from Plaquemine, La., to points in southern, southwestern, and western trunk-line territories, also returned shipments in the reverse direction.

Grounds for relief—Market competition.

Tariffs—Supplement 175 to Southwestern Freight Bureau, agent, tariff ICC 4486, and other schedules named in the application.

FSA No. 41258—*Ethylbenzene from, to, and between points in southwestern and midcontinent territories.* Filed by Southwestern Freight Bureau, agent (No. B-9053), for interested rail carriers. Rates on ethylbenzene, in tank carloads, from, to, or between points in southwestern and midcontinent territories, and returned shipments from original destinations to original points of shipments.

Grounds for relief—Carrier competition.

Tariffs—Supplement 25 to Southwestern Freight Bureau, agent, tariff ICC 4714, and other tariffs named in the application.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.
[F.R. Doc. 68-3188; Filed, Mar. 14, 1968; 8:48 a.m.]

[Notice 105]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 8, 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-70123. By order of February 29, 1968, the Transfer Board approved the transfer to Charles E. Danbury Co., a corporation, Williamsburg, Ohio, of the operating rights in permit Nos. MC-21684 (Sub-No. 6), MC-21684 (Sub-No. 8), MC-21684 (Sub-No. 10), MC-21684 (Sub-No. 12), MC-21684 (Sub-No. 13), MC-21684 (Sub-No. 15), MC-21684 (Sub-No. 18), and MC-21684 (Sub-No. 19), issued September 11, 1951, September 11, 1951, September 11, 1951, September 11, 1951, August 30, 1956, June 2, 1958, June 27, 1963, and August 19, 1964, respectively, to Charles E. Danbury, Inc., Williamsburg, Ohio, authorizing the transportation of commercial motor vehicle trailers, trailer chassis, and accessories and equipment therefor, in or attached to the transported trailers, in initial movements, in truckaway service, commercial motor vehicle trailers, trailer chassis, and accessories and equipment therefor, in or attached to the transported trailers, in secondary movements, in truckaway service, new trailers and semitrailers, other than those designed to be drawn by passenger automobiles, and chassis therefor, in initial movements, in truckaway service, over irregular routes, truck bodies and trailer bodies and accessories and equipment therefor when moving in connection therewith, over irregular routes, trailers, other than those designed to be drawn by passenger automobiles, trailer chassis, and accessories and equipment therefor, pressure vessel tank trailers, in initial movements, by truckaway method, and accessories and equipment therefor, in or attached to the transported trailers, cargo containers designed to be fastened or mounted on specially built chassis or cargo-carrying vehicles and parts and accessories therefor when moving with such containers, trailers (except those designed to be drawn by passenger automobiles), and trailer chassis, in initial movements, in truckaway service, from, to, and between all points in the United States, varying with the commodities transported, Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202, attorney for applicants.

No. MC-FC-70152. By order of February 29, 1968, the Transfer Board approved the transfer to Arbe Transfer Co., Inc., Jersey City, N.J., of a portion of the operating rights in certificate No. MC-127163 issued October 21, 1965, to Louis Mauro, Summit, N.J., authorizing the transportation of, various commodities of a general commodity nature, and general commodities, with the usual exceptions, between specified points in New

York and New Jersey. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, registered practitioner.

No. MC-FC-70153. By order of February 29, 1968, the Transfer Board approved the transfer to Casco Services, Inc., Fanwood, N.J., of a portion of the operating rights in certificate No. MC-127163, issued October 21, 1965, to Louis Mauro, Summit, N.J., authorizing the transportation of, general commodities, with the usual exceptions, between specified points in New Jersey on the one hand, and, on the other, New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, registered practitioner.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3189; Filed, Mar. 14, 1968;
8:48 a.m.]

[Notice 106]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 12, 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-69865. By order of February 28, 1968, the Transfer Board approved the transfer to Holdcroft Transportation Co., an Iowa corporation, Sioux City, Iowa, of that portion of the operating rights in certificate No. MC-54837, issued by the Commission, November 23, 1964, to Charles E. Danbury, Inc., Williamsburg, Ohio, authorizing the transportation of general commodities, over regular routes, between St. Paul-Minneapolis, Minn., and Winsted, Minn. Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3190; Filed, Mar. 14, 1968;
8:48 a.m.]

[Notice 566]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 12, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49

CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2428 (Sub-No. 24 TA), filed March 4, 1968. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn, N.J. 08861. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded urethane beams, and commodities used in connection therewith, and materials used in the installation and finishing thereof, and plastic accessories*, from Perth Amboy, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, and Washington, D.C., and *returned shipments* in the opposite direction, for 180 days. Supporting shipper: Paeco, Inc., 500 Market Street, Perth Amboy, N.J. 08861. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 52709 (Sub-No. 301 TA), filed March 5, 1968. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, serving the Mohave Steam Electric Generating Plant, Clark County, Nev., as an off-route point in connection with carrier's authorized operations in Nevada. Note: Carrier intends to tack with existing authority at or near Las Vegas, Nev., 180 days. Supporting shipper: J. W. Harris, Traffic Manager, Southern California Edison Co., Post Office Box 351, Los Angeles, Calif. 90053. Send protests to: District Supervisor C. W. Buckner, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 61396 (Sub-No. 201 TA), filed March 5, 1968. Applicant: HERMAN BROS. INC., 2501 No. 11 Street, Post Office Box 189, Downtown Station 68101, Omaha, Nebr. 68110. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Hercules, Inc., plant near Louisiana, Mo., to points in Arkansas, Kansas, Kentucky, Missouri, Illinois, Iowa, Indiana, Michigan, Minnesota, Nebraska, South Dakota, Wisconsin, and Oklahoma, for 150 days. Supporting shipper: Hercules, Inc., 120 Oakbrook Center Mail, Oak Brook, Ill. 60521 (A. Good, District Traffic Manager). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 107129 (Sub-No. 7 TA), filed March 5, 1968. Applicant: E. K. MOTOR SERVICE, INC., 2609 North Broadway, Joliet, Ill. 60435. Applicant's representative: Carl V. Kretzinger, Suite 450, Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building materials, and supplies used in the installation thereof; and materials, equipment, and supplies used in the manufacture or shipping of roofing and building materials*, between Kansas City, Mo., on the one hand, and, on the other, points in Brown, Pottawatomie, Atchison, Leavenworth, Wabaunsee, Osage, Johnson, Franklin, Coffey, Linn, Doniphan, Jackson, Jefferson, Wyandotte, Shawnee, Douglas, Lyon, Miami, and Anderson Counties, Kans., for 180 days. Supporting shipper: General Aniline & Film Corp., General Traffic Department, South Bound Brook, N.J. 08880. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 107496 (Sub-No. 640 TA), filed March 4, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solution (fertilizer)*, in bulk, in tank vehicles, from Lincoln Air Base (Air Park West), Nebr., to points in Nebraska, Missouri, Kansas, Wyoming, Colorado, and South Dakota, for 150 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111231 (Sub-No. 156 TA), filed March 4, 1968. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: John H. Joyce, 26 North College, Fayetteville, Ark. 72702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of Jones & Laughlin Steel Corp., Putnam County,

Ill., to points in Arkansas, Missouri, Mississippi, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: District Supervisor D. R. Partney, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 114239 (Sub-No. 22 TA), filed March 4, 1968. Applicant: FARRIS TRUCK LINE, 3209 South Highway 169, St. Joseph, Mo. 64503. Applicant's representative: Carl V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials*, from points in the Kansas City, Mo.-Kans., commercial zone (as defined by the Commission), to points in Missouri, Kansas, Nebraska, Iowa, and South Dakota, for 150 days. Supporting shipper: W. R. Grace & Co. Agricultural Products Division, Memphis, Tenn. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 116273 (Sub-No. 103 TA), filed March 5, 1968. Applicant: D&L TRANSPORT, INC., 3800 South Laramie, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from (1) Dupue, Ill., to points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota, and (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, and 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: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 116282 (Sub-No. 18 TA), filed March 4, 1968. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, Maine 04210. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Middleton, Mass., to Bellows Falls and East Montpelier, Vt., and returned containers and bakery products, from Bellows Falls and East Montpelier, Vt., to Middleton, Mass., restricted to a transportation service performed under bilateral contract to Pepperidge Farm, Inc., Norwalk, Conn., for 150 days. Supporting shipper: Pepperidge Farm, Inc., Norwalk, Conn. 06852. Send protests to: Donald G.

Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 116459 (Sub-No. 39 TA), filed March 4, 1968. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Pineville Road, Route 5, Chattanooga, Tenn. 37405. Applicant's representative: Charles Wilbur (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acetylene, argon, carbon dioxide, compressed air, helium, hydrogen, nitrogen, oxygen, propane, mapp, and materials incidental to the use of these commodities* on shipper-owned trailers, from Chattanooga, Tenn., to Augusta and Gainesville, Ga.; Enka, N.C.; Greenville, S.C.; and from Ringgold, Ga.; to Nashville and Knoxville, Tenn.; Enka, N.C.; Greenville, S.C.; and return of empty cylinders on shipper-owned trailers, for 180 days. Supporting shipper: Selox, Inc., Post Office Box 6128, Chattanooga, Tenn. 37401. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 116564 (Sub-No. 19 TA), filed March 4, 1968. Applicant: LEWIS W. McCURDY, doing business as McCURDY'S TRUCKING CO., 571 Unity Street, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Latrobe, Pa., to points in North Carolina, restricted to service performed under contract with the Latrobe Brewing Co., for 150 days. Supporting shipper: Latrobe Brewing Co., Latrobe, Pa. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 127551 (Sub-No. 4 TA), filed March 4, 1968. Applicant: GEORGE F. DAVIS, JR., doing business as GEORGE DAVIS TRUCKING COMPANY, 429 East Waterloo Street, Rapid City, S. Dak. 57701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meatpacking houses, as described in sections A, B, and C of appendix 1 to the Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in tank vehicles), from Sioux Falls, S. Dak., to points in Boyd, Brown, Cherry, Dawes, Holt, Keya Paha, Rock, Sheridan, and Sioux Counties, Nebr., for 180 days. Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. 57103 (Claude Stewart, Traffic Manager). Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Com-

mission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 128527 (Sub-No. 8 TA), filed March 4, 1968. Applicant: MAY TRUCKING COMPANY, Post Office Box 398, 1619 Second Avenue South, Payette, Idaho 83661. Applicant's representative: C. Marvin May, Post Office Box 398, Payette, Idaho. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Laminated beams, components and parts thereof*, from Ontario, Oreg., to points in Washington, Idaho, Montana, Wyoming, Utah, Colorado New Mexico, Nevada, and California for 180 days. Supporting shipper: Timber Laminators, Inc., Post Office Box 397, Ontario, Oreg. 97914. Send protests to: Clyde W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building & U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 129697 (Sub-No. 1 TA), filed March 6, 1968. Applicant: RAUL TAMAYO A. AND JOSE ALFONSO GRIJALVA, Ave. Juarez 544, Ensenada, Baja California, Republic of Mexico. Applicant's representative: Milton W. Flack, Suite 400, 1813 Wilshire Boulevard, Los Angeles, Calif. 90057. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Tin plate or fiber containers*, from points in Los Angeles, Riverside, Orange, and San Bernardino Counties, Calif. to port of entry at or near San Ysidro, Calif., and return movements of *refused or damaged shipments*, for 180 days. Supporting shipper: Fabricas Monterrey, S.A., Ensenada, Baja California, Republic of Mexico. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129735 TA, filed March 4, 1968. Applicant: FLOYD G. HOULISTON, doing business as HOULISTON, St. Croix Falls, Wis. 54024. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Dirt, rock, sand, gravel, and cinders*, from points in Polk County, Wis., to points in Chisago, Washington, and Ramsey Counties, Minn.; (2) *black top paving mix and washed sand*, from points in Washington and Chisago Counties, Minn., to points in Polk County, Wis.; (3) *contractors construction equipment and machinery*, between points in Polk County, Wis., and points in Minnesota, for 180 days. Supporting shipper: Houliston Contracting Co., Inc., Taylors Falls, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

MOTOR CARRIER OF PASSENGERS

No. MC 129736 TA, filed March 4, 1968. Applicant: NEWTON BUS SERVICE, INC., Route 1, Box 8-D, Gloucester, Va.

23061. Applicant's representative: Alvin L. Newton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and equipment*, restricted to individuals who are players, officials, and employees of Peninsula Baseball Club, Inc., and Tidewater Community Baseball Club Corp., beginning in Hampton, and Portsmouth, Va., and extend-

ing to Raleigh, Durham, High Point, Thomasville, Winston-Salem, Burlington, Wilson, Rocky Mount, Greensboro, and Kinston, N.C., for 180 days. Supporting shippers: Tidewater Community Baseball Corp., Post Office Box 145, Portsmouth, Va. 23705; Peninsula Baseball Club, Inc., Post Office Box 1305 Wythe Station, Hampton, Va. 23361. Send protests to: Robert W. Waldron,

District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3191; Filed, Mar. 14, 1968;
8:48 a.m.]

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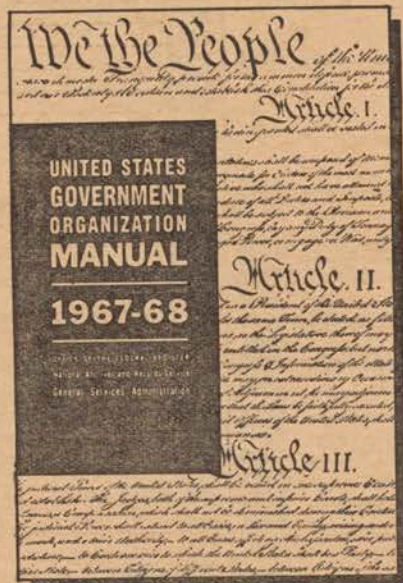
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