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Title 3—THE PRESIDENT

Reorganization Plan No. 3 of 1968

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1968, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

DISTRICT OF COLUMBIA RECREATION FUNCTIONS

SECTION 1. *Definitions.* (a) As used in this reorganization plan, the term "the Recreation Board" means the District of Columbia Recreation Board provided for in D.C. Code, sec. 8–201 and in other law.

(b) References in this reorganization plan to any provision of the District of Columbia Code are references to the provisions of statutory law codified under that provision and include the said provision as amended, modified, or supplemented prior to the effective date of this reorganization plan.

SEC. 2. *Transfer of functions to Commissioner.* There are hereby transferred to the Commissioner of the District of Columbia all functions of the Recreation Board or of its chairman and members and all functions of the Superintendent of Recreation (appointed pursuant to D.C. Code, sec. 8–209).

SEC. 3. *Delegations.* The functions transferred by the provisions of section 2 hereof shall be subject to the provisions of section 305 of Reorganization Plan No. 3 of 1967 (32 F.R. 11671).

SEC. 4. *Incidental transfers.* (a) All personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with the functions of the Recreation Board or the Superintendent of Recreation are hereby transferred to the Commissioner of the District of Columbia.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided in subsection (a) of this section shall be carried out in such manner as he may direct and by such agencies as he shall designate.

SEC. 5. *Abolition.* The Recreation Board, together with the position of Superintendent of Recreation, is hereby abolished. The Commissioner of the District of Columbia shall make such provisions as he may deem necessary with respect to winding up the outstanding affairs of the Recreation Board and the Superintendent of Recreation.

SEC. 6. *Effective date.* The provisions of this reorganization plan shall take effect at the close of June 30, 1968 or on the date determined under section 906(a) of title 5 of the United States Code, whichever is later.

[F.R. Doc. 68-6385; Filed, May 27, 1968; 9:25 a.m.]

[1] Effective at the close of June 30, 1968, under the provisions of section 6 of the plan.

Reorganization Plan No. 4 of 1968

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1968, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

SECTION 1. *Appointments.* (a) The functions of the President of the United States with respect to appointing certain members of the Board of Directors of the District of Columbia Redevelopment Land Agency (D.C. Code, sec. 5–703) are hereby transferred to the Commissioner of the District of Columbia.

(b) Nothing in this reorganization plan shall be deemed to terminate the tenure of any member of the Board of Directors of the District of Columbia Redevelopment Land Agency now in office.

SEC. 2. *Relationship of Board of Directors and Commissioner.* (a) There are transferred from the Board of Directors of the District of Columbia Redevelopment Land Agency to the Commissioner of the District of Columbia the functions of adopting, prescribing, amending and repealing bylaws, rules, and regulations for the exercise of the powers of the Board under D.C. Code, secs. 5–701 to 5–719 or governing the manner in which its business may be conducted (D.C. Code, sec. 5–703(b)).

(b) Any part of the functions transferred by this section may be delegated by the Commissioner to the Board.

SEC. 3. *References to District of Columbia Code.* References in this reorganization plan to any provision of the District of Columbia Code are references to the provisions of statutory law codified under that provision and include the said provision as amended, modified, or supplemented prior to the effective date of this reorganization plan.

[F.R. Doc. 68–6386; Filed, May 27, 1968; 9:25 a.m.]

[1] Effective May 23, 1968, under the provisions of and pursuant to 5 U.S.C. 906.

Rules and Regulations

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Applications, Petitions, and Other Documents

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Subparagraph (1) *Requirements* of paragraph (b) *Evidence* of § 103.2 *Applications, petitions, and other documents* is amended by inserting the following sentence between the existing 10th and 11th sentences thereof: "When any statement is taken from a person and that statement is signed by him, he shall be furnished a copy thereof, on request, without fee."

(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 prescribed rule confers a benefit upon persons affected thereby.

Dated: May 22, 1968.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 68–6287; Filed, May 27, 1968; 8:46 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 3, Amdt. 3]

PART 120—LOAN POLICY

Business Loans and Guarantees

Section 120.2 of Part 120 of Title 13 of the Code of Federal Regulations is hereby amended by adding a new paragraph (e) therein to read as follows:

§ 120.2 Business loans and guarantees.

* * * * *

(e) In the event that appropriate local governmental officials, acting within their official authority, represent in writing to SBA that a community emergency has caused or is causing involuntary physical damage or economic injury to multiple small business concerns, then SBA may in its discretion determine that the application of the eligibility limitations contained in subparagraphs (2), (6), and (7) of paragraph (d) of this section would result in undue hardship to such affected business concerns and therefore said subparagraphs (2), (6), and (7) of paragraph (d) of this section will not apply to financial assistance to such small business concerns to replace, repair, or to recover from the damage or economic injury resulting from such community emergency, such as a widespread strike or civil disturbance.

Effective date: April 1, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68–6278; Filed, May 27, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68–EA–56; Amdt. 39–604]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to amend Airworthiness Directive No. 68–8–4 which pertained to McCauley Propellers.

Subsequent to the issuance of Airworthiness Directive 68–8–4 further research indicated additional propellers which should be covered by the airworthiness directive. Airworthiness Directive 68–8–4 was made effective April 23, 1968, without benefit of notice or public procedure and in less than 30 days because of the seriousness of the deficiency. This same situation presently exists.

In view of the foregoing, notice and public procedure herein are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 is amended as follows:

Amend Airworthiness Directive 68–8–4 by deleting the applicability statement and insert in lieu thereof the following:

Applies to models:

D2AF34C56/L76C	D2AF34C56–CP/L76C
D2AF34C56–A/L76C	D2AF34C56–DP/L76C
D2AF34C56–B/L76C	D2AF34C56–EP/L76C
D2AF34C56–C/L76C	D2AF34C61–A/L76C
D2AF34C56–D/L76C	D2AF34C61–B/L76C
D2AF34C56–E/L76C	D2AF34C61–C/L76C
D2AF34C56–P/L76C	D2AF34C61–D/L76C
D2AF34C56–AP/L76C	D2AF34C61–E/L76C
D2AF34C56–BP/L76C	

propellers installed on rear engine of Cessna 336 aircraft.

This amendment is effective May 29, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 72 Stat. 752, 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on May 17, 1968.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 68–6281; Filed, May 27, 1968; 8:46 a.m.]

[Docket No. 68–CE–7–AD; Amdt. 39–600]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 95 and 95–55 Series Airplanes

Correction

In F.R. Doc. 68–5868, appearing at page 7298 in the issue of Friday, May 17, 1968, the words "and tube assembly", in paragraph (a) of the directive, should read "end tube assembly".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[ER–538; Amdt. 5]

PART 233—TRANSPORTATION OF MAIL; FREE TRAVEL FOR POSTAL EMPLOYEES

Postal Employees To Be Carried Free

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. 23d day of May 1968.

The Post Office Department has requested amendments to § 233.1 (d) and (f) to expand and modify the list of Postal employees who may obtain free transportation without having to present a "Request for Access to Aircraft for Free Transportation" on U.S. Government Standard Form No. 160. The Department states that this request is necessitated by the need of more than one deputy in a bureau to travel on business relating to the transportation of mail by aircraft and by the redesignation of one of the Department's bureaus.

We hereby adopt the proposed amendments. We find further that these amendments shall be issued as a final rule, since they involve, in part, a matter of agency organization exempt from the requirement of a notice of proposed rule making and, in part, a matter of minor public interest, with respect to which notice and public rule making procedures are unnecessary (secs. 4 (a) and (b) of the Administrative Procedure Act, 5 U.S.C. 553).

Since these amendments are being issued as a final rule, we shall permit interested persons to file petitions for reconsideration. Twelve (12) copies of such petitions should be filed with the Docket Section, Civil Aeronautics Board, Room 712 Universal Building, Washington, D.C. 20428, on or before June 12, 1968. Copies of any petition filed will be available for examination by interested persons in the docket section. The filing of petitions for reconsideration will not operate to stay the effective date of the rule.

Accordingly, the Board hereby amends Part 233 of its economic regulations (14 CFR Part 233) by amending paragraphs (d) and (f) of § 233.1, effective June 27, 1968, to read as follows:

§ 233.1 Postal employees to be carried free.

* * * * *

(d) The Assistant Postmaster General—Operations; the Assistant Postmaster General—Transportation; the Assistant Postmaster General—Finance and Administration; the Assistant Postmaster General—Facilities; the Assistant Postmaster General—Personnel; the General Counsel; the deputies of each of the foregoing Assistant Postmasters General and of the General Counsel; the Assistant Postmaster General—Research and Engineering; and the Director of Operations in the Bureau of Research and Engineering.

* * * * *

(f) The Director, Distributing and Routing Division; the Director, Air Transportation Branch; the Director, International Service Division, Bureau of Transportation; the Assistant General Counsel, Transportation; the Regional Director in each of the 15 Postal Regions; the fifteen (15) Postal Inspectors-in-charge; and the Field Officers in Alaska.

* * * * *

(Secs. 204(a), 405(j), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760; 49 U.S.C. 1324, 1375)

By the Civil Aeronautics Board.

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

[F.R. Doc. 68-6315; Filed, May 27, 1968; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8622 o.]

PART 13—PROHIBITED TRADE PRACTICES

American Brake Shoe Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Order of divesture, American Brake Shoe Co., New York, N.Y., Docket 8622, Apr. 10, 1968]

In the Matter of American Brake Shoe Co., a Corporation

Order requiring a large manufacturer of friction materials and related products with headquarters in New York City, to divest itself of a Bedford, Ohio, manufacturer of sintered metal friction materials within 6 months and not to acquire any producer of such material for the next 10 years without prior approval of the Commission.

By "Final Order" the order of divestiture, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, American Brake Shoe Co. (now known as Abex Corporation), shall, within 6 months from the date of service upon it of this order, divest itself absolutely and in good faith to a purchaser or purchasers approved by the Federal Trade Commission, of all stock and of all right, title, and interest in all assets, properties, rights, and privileges, acquired by respondent as a result of its acquisition of the stock and assets of The S. K. Wellman Co., so as to restore that which formerly made up the Wellman Co. as a viable competitive entity in the friction materials and sintered metal friction materials industries in the United States.

It is further ordered, That respondent shall not sell or transfer the aforesaid stock or assets, directly or indirectly, to anyone who at the time of divestiture is a stockholder, officer, director, employee, or agent of or otherwise directly or indirectly connected with or under the control or influence of respondent.

It is further ordered, That pending divestiture, respondent shall not make any changes nor permit any deterioration in any of the plants, machinery, buildings, equipment, or other property or assets of the former Wellman Co. which may impair present rated capacity or their market value, unless such capacity or value is restored prior to divestiture.

It is further ordered, That for a period of ten (10) years from the date of issuance of this order, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, or assets of any corporation engaged in commerce and in the production or sale of sintered metal friction material.

It is further ordered, That the hearing examiner's initial decision, as modified and supplemented by the findings and conclusions embodied in the accompanying opinion, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the provisions in the order set forth herein.

By the Commission. Commissioner Nicholson did not participate for the reason oral argument was heard prior to his appointment to the Commission.

Issued: April 10, 1968.

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

[F.R. Doc. 68-6268; Filed, May 27, 1968; 8:45 a.m.]

[Docket No. C-1327]

PART 13—PROHIBITED TRADE PRACTICES

Chariot Textiles Corp. and Charles and Elliot Rosengarten

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Chariot Textiles Corp. et al., New York, N.Y., Docket C-1327, Apr. 30, 1968]

In the Matter of Chariot Textiles Corp., a Corporation, and Charles Rosengarten and Elliot Rosengarten, Individually and as Officers of Said Corporation.

Consent order requiring a New York City importer of fabrics to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Chariot Textiles Corp., a corporation, and its officers, and Charles Rosengarten and Elliot Rosengarten, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or

shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of the order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 30, 1968.

By the Commission.

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

[F.R. Doc. 68-6269; Filed, May 27, 1968; 8:45 a.m.]

[Docket No. C-1330]

PART 13—PROHIBITED TRADE PRACTICES

Gimbel's Upholstering Co., Inc., and William and Thelma Lessey

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.225 *Services.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gimbel's Upholstering Co., Inc., et al., Washington, D.C., Docket C-1330, May 3, 1968]

In the Matter of Gimbel's Upholstering Co., Inc., a Corporation, and William Lessey and Thelma Lessey, Individually and as Officers of Said Corporation

Consent order requiring a Washington, D.C., upholstering and refinishing firm to cease deceptively guaranteeing its services and failing to disclose that its conditional sales contracts may be assigned to a finance company.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gimbel's Upholstering Co., Inc., a corporation, and its officers, and William Lessey and Thelma Lessey, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of slip covers, draperies, upholstering, or refinishing services, or any other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any merchandise or service is guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

2. Making any direct or implied representations that any of respondents' products are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions substantially the same as those contained in such representations.

3. Failing to orally disclose prior to the time of sale, and in writing on any conditional sales contract, promissory note or other instrument of indebtedness executed by a purchaser, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser, that any such instrument, at respondents' option and without notice to the purchaser, may be discounted, negotiated or assigned to a finance company or other third party to which the purchaser will thereafter be indebted and against which the purchaser's claims or defenses may not be available.

4. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 3, 1968.

By the Commission.

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

[F.R. Doc. 68-6270; Filed, May 27, 1968; 8:45 a.m.]

[Docket No. C-1328]

PART 13—PROHIBITED TRADE PRACTICES

Hancock Textile Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Hancock Textile Co., Inc., et al., Tupelo, Miss., Docket C-1328, May 1, 1968]

In the Matter of Hancock Textile Co., Inc., a Corporation, Hancock Fabric Outlet, a Corporation, Hancock Fabric Outlet, Inc., a Corporation, Hancock Textile Outlet, a Corporation; and Lawrence D. Hancock and Robert E. Tedford, Individually and as Officers of Said Corporations

Consent order requiring a chain of 20 retail piece goods outlets, located in Alabama, Mississippi, and Texas, to cease falsely advertising and misbranding their textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Hancock Textile Co., Inc., a corporation, and its officers, Hancock Fabric Outlet, a corporation, and its officers, Hancock Fabric Outlet, Inc., a corporation, and its officers, Hancock Textile Outlet, a corporation, and its officers, and Lawrence D. Hancock and Robert E. Tedford, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products by representing either, directly or by implication, through the use of such terms as "candy linen," "print linen," and "linen-type weaves" or any other terms,

that any fibers are present in a textile fiber product when such is not the case.

3. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

4. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on such label.

5. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and the rules and regulations thereunder the first time such generic name or fiber trademark appears on the label.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, or label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, in the manner and form required except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products, containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 1, 1968.

By the Commission.

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

[F.R. Doc. 68-6271; Filed, May 27, 1968; 8:45 a.m.]

[Docket No. C-1331]

PART 13—PROHIBITED TRADE PRACTICES

Max Adelman Furs, Inc., and Max Adelman

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 *Fur Products Labeling Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Max Adelman Furs, Inc., et al., New York, N.Y., Docket C-1331, May 7, 1968]

In the Matter of Max Adelman Furs, Inc., a Corporation, and Max Adelman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease misbranding and falsely invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Max Adelman Furs, Inc., a corporation, and its officers, and Max Adelman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication, on a label that the fur contained in any fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

2. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

3. Setting forth the term "blended" or any term of like import on a label as part of the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing, or otherwise artificial coloring of furs contained in such fur product.

4. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Setting forth on an invoice pertaining to such fur product any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Representing, directly or by implication, on an invoice that the fur contained in such fur product is natural when such fur product is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Misrepresenting in any manner, on an invoice, directly or by implication, the country of origin of the fur contained in such fur product.

5. Setting forth the term "blended" or any term of like import as part of the information required under section 5(b) (1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing, or otherwise artificial coloring of furs contained in such fur products.

6. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 7, 1968.

By the Commission.

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

[F.R. Doc. 68-6272; Filed, May 27, 1968; 8:45 a.m.]

[Docket No. 8742]

PART 13—PROHIBITED TRADE PRACTICES

National Work-Clothes Rental et al.

Subpart—Combining or conspiring: § 13.388 *To control allocation and solicitation of customers;* § 13.395 *To control marketing practices and conditions;* § 13.410 *To eliminate competition in conspirators' goods;* § 13.340 *To enhance, maintain or unify prices.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Work-Clothes Rental et al., Elizabeth, N.J., Docket 8742, May 7, 1968]

In the Matter of National Work-Clothes Rental, a Corporation, Wilmes Investment Co., Inc., a Corporation, Alexandria Linen Service Corp., a Corporation, Clean Linen Service Corp., a Corporation, Community Uniform Service Corp., a Corporation, Friedel Towel Service Corp., a Corporation, Shreveport Industrial Uniform & Towel Service Corp., a Corporation, Lafayette Linen Service Corp., a Corporation, Monroe Linen Service Corp., a Corporation, All-State Linen Service Co., Inc., a Corporation, Independent Linen Service Company of Arkansas, Inc., a Corporation, Arkansas Industrial Uniform Service Co., Inc., a Corporation, Industrial Towel & Uniform Supply, a Trust, New Way Laundry and Dry Cleaning Corp., a Corporation, Monroe Uniform Service, Inc., a Corporation, Clarence A. Buss, Individually, and as an Officer of Monroe Uniform Service, Inc., Hollis Yearwood, Individually, and as an Officer of Independent Linen Service Company of Arkansas, Inc., Nathaniel Cohen, Individually, and as an Officer of National Work-Clothes Rental, Douglas Parrish, Individually, and as an Officer of Arkansas Industrial Uniform Service Co., Inc., W. W. Watson, Individually, and as Manager of Industrial Towel & Uniform Supply, Walter B. Klyce, Individually, Ben Levy, Jr., Individually, and as an Officer of New Way Laundry and Dry Cleaning Corp.

Consent order requiring 15 linen-rental companies doing business in New Jersey, Louisiana, Tennessee, and Arkansas to cease fixing prices and allocating customers.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents, National Work-Clothes Rental, a corporation, Wilmes Investment Co., Inc., a corporation, Alexandria Linen Service Corp., a corporation, Clean Linen Service Corp., a corporation, Community Uniform Service Corp., a corporation, Friedel Towel Service Corp., a corporation, Shreveport Industrial Uniform & Towel Service Corp., a corporation, Lafayette Linen Service Corp., a corporation, Monroe Linen Service Corp., a corporation, All-State Linen Service Co., Inc., a corporation, Independent Linen Service Company of Arkansas, Inc., a corporation, Arkansas Industrial Uniform Service Co., Inc., a corporation, Industrial Towel & Uniform Supply, a trust, New Way Laundry and Dry Cleaning Corp., a corporation, Monroe Uniform Service, Inc., a corporation, their subsidiaries, successors, assigns, officers, directors, agents, representatives, or employee, directly or through any corporate or other device, Clarence A. Buss, individually, and as an officer of Monroe Uniform Service, Inc., Hollis Yearwood, individually, and as an officer of Independent Linen Service Company of Arkansas, Inc., Douglas Parrish, individually, and as an officer of Arkansas Industrial Uniform Service Co., Inc., W. W. Watson, individually, and as Manager of Industrial Towel & Uniform Supply, and Ben Levy, Jr., individually, and as an officer of New Way Laundry and Dry Cleaning Corp., in connection with the linen rental business in commerce as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from entering into, maintaining, effectuating, carrying out, cooperating in or continuing any agreement, understanding, combination, conspiracy, or planned common course of action or course of dealing, between or among any two or more of the said respondents or between any one or more of the said respondents and one or more of any others not parties hereto, to do or perform any of the following:

1. Allocating customers by any means or methods including but not limited to the following:

a. Agreeing not to solicit customers;

b. Instructing employees, including salesmen, route salesmen and routemen, not to solicit customers of competitors;

c. Refusing to service customers seeking to change suppliers;

d. Furnishing customers dirty, torn or old linens, wrong sizes, short orders, late deliveries and generally bad service, to cause such customers to return to former suppliers;

e. Requesting permission to service customers of competitors;

f. Trading customers;

g. Warning competitors about customers seeking to change suppliers;

h. Holding or attending any meeting for the purpose of agreeing upon, discussing, exchanging, distributing, relaying, or considering allocation of customers; and

i. Exchanging, distributing, discussing, or relaying, by telephone, telegram, letter or in person, or by any other means or device, information relating directly or indirectly to allocation of customers.

2. Fixing prices by any means or methods including but not limited to the following:

a. Increasing or maintaining prices, terms, or conditions of rental services, or adhering to or promising to adhere to prices, terms or conditions of rental services so increased or maintained;

b. Holding or attending any meeting for the purpose of agreeing upon, discussing, exchanging, distributing, relaying, or considering prices or price policy of any respondent or of one or more of any others not parties hereto; and

c. Exchanging, distributing, discussing, or relaying, by telephone, telegram, letter, or in person, or by any other means or device, information relating directly or indirectly to prices, terms or conditions of rental services.

II. *It is further ordered,* That the respondents herein, their subsidiaries, successors and assigns, individually or concertedly, and their offices, directors, agents, representatives, or employees, directly, or through any corporate or other device, in connection with the linen rental business in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith:

1. Notify every customer served by any processing plant or other operation located in the States of Louisiana or Arkansas, who is subject to a customer service contract containing a term provision, that he may, during the one hundred eighty (180) days following receipt of Letter X attached hereto, cancel, in writing, the term provision in any outstanding customer service contract. In the event any such customer so cancels his customer service contract, respondents will not seek any legal remedies based upon such cancellation. The cancellation of any term provision, as provided for herein, is not intended to, and shall not, affect any cause of action between customers and respondents as to contractual provisions not related to the said term provision;

2. Cease and desist from enforcing any automatic renewal provision in any customer service contract in effect on the date of service of this order, with any customer served by any processing plant or other operation located in the States of Louisiana or Arkansas, not cancelled pursuant to Part II, paragraph 1, herein;

3. Cease and desist, for a period of ten (10) years from the date of service of this order, from entering into any customer service contract with any customer served by any processing plant or other operation located in the States of Louisiana or Arkansas, the term of which is in excess of one (1) year: *Provided, however,* For a period of one (1) year from the date of service of this order, said one (1) year customer service contracts shall not be automatically renewable, and the term provision may be canceled by the customer upon thirty (30) days written notice: *Provided, further,* That upon the expiration of the said one (1) year period, customer service contracts may contain automatic renewal periods which do not exceed thirty (30) days: *Provided, further,* That upon the expiration of the said one (1) year period, formal and written customer service contracts for special articles (not usable by other customers), and specifically negotiated with an executive or official of the customer, may be entered into for terms which do not exceed two (2) years: *Provided, further,* That nothing herein shall prohibit a respondent from complying with the term provision set forth in an Invitation to Bid

issued by a State or Federal Government agency;

4. Notify every salesman, route salesman, and routeman employed in any processing plant or other operation located in the States of Louisiana or Arkansas, that he is free to solicit the business of any and all accounts, including customers of competitors;

5. Cease and desist from enforcing any restrictive covenant in effect on the date of service of this order which prohibits any employee who has been or is now employed in any processing plant or other operation located in the States of Louisiana or Arkansas, from engaging in the linen rental business for himself or for others: *Provided, however,* That respondents may enforce a restrictive covenant which prohibits the employee, for a period of one (1) year subsequent to the termination of his employment, from serving, using, or divulging the names and addresses of customers served by the employee during the six (6) month period immediately preceding termination of employment;

6. Cease and desist, for a period of ten (10) years from the date of service of this order, from entering into any contract containing a restrictive covenant which prohibits, for a period exceeding one (1) year, any employee employed in any processing plant or other operation located in the States of Louisiana or Arkansas, upon termination of employment, from serving, using or divulging the names of customers not served by said employee during the six (6) month period immediately preceding termination of employment;

7. Cease and desist, for a period of ten (10) years from the date of service of this order, from entering into any contract containing a provision which prohibits any seller of a linen rental business with one or more processing plants or other operations located in the States of Louisiana or Arkansas, from engaging in the linen rental business for himself or for others, for a period exceeding three (3) years, or in an area extending beyond the linen rental routes of the seller at the time of execution of the said contract;

8. Cease and desist from enforcing or entering into any contractual provision which prohibits any seller of a linen rental business from encouraging anyone else to engage in the linen rental business.

III. *It is further ordered,* That each of the respondents herein shall, within sixty (60) days after service upon them of this order, serve by mail or in person:

1. On every customer served by any processing plant or other operation located in the States of Louisiana or Arkansas, who is subject to a customer service contract containing a term provision, the following: (a) A copy of this order and (b) a copy of Letter X attached to this order, signed by the president, or owner, or other responsible official;

2. On all of its present salesmen, route salesmen, and routemen employed in any processing plant or other operation located in the States of Louisiana or Arkansas, and on all of its former employees who were employed in any processing plant or other operation located in the States of Louisiana or Arkansas and subject to a restrictive covenant imposed by said respondent, in effect on the date of service of this order, the following: (a) A copy of this order and (b) a copy of Letter Y attached to this order, signed by the president, or owner, or other responsible official.

IV. *It is further ordered,* That each of the respondents herein shall, within sixty (60) days after service upon them of this order, post at all its processing plants and other operations located in the States of Louisiana and Arkansas, copies of the notice attached hereto marked appendix. Copies of said notice shall, after being signed by the president, or owner, or other responsible official of respondent, be posted and maintained for a period of one hundred eighty (180) consecutive days in prominent, conspicuous places, including all places where notices to salesmen, route salesmen, and routemen, are customarily posted. Reasonable steps shall be taken by respondent to insure that said notices are not altered, defaced, or covered by any other material.

V. *It is further ordered,* That the complaint be, and it hereby is, dismissed as to respondents Nathaniel Cohen and Walter B. Klyce.

VI. *It is further ordered,* That respondent corporations herein shall forthwith distribute a copy of this order to all of their operating divisions.

VII. *It is further ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 7, 1968.

By the Commission.

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

LETTER X

(Company Letterhead)

(DATE) ----------

DEAR ----------: This company and certain other companies engaged in the linen and industrial uniform rental business in the States of Louisiana and Arkansas have entered into a consent order with the Federal Trade Commission, which, among other things, prohibits the allocation of customers and fixing of prices. Our agreement with the Commission is for settlement purposes only and does not constitute an admission by us that the law has been violated. We are enclosing a copy of the order for your information.

As provided by this order, you may at any time during the next 6 months, cancel the term provision in any contract you now have with this company for linen or uniform service. This means you are free to change your linen or uniform supplier. Should you cancel, however, you will not be relieved of other obligations which may exist under the contract.

Very truly yours,

(President, Owner or Responsible Official)

Enclosure.

LETTER Y

(Company Letterhead)

(DATE) ----------

DEAR ----------: This company and certain other companies engaged in the linen and industrial uniform rental business in the States of Louisiana and Arkansas have entered into a consent order with the Federal Trade Commission which, among other things, prohibits the allocation of customers and fixing of prices. Our agreement with the Commission is for settlement purposes only and does not constitute an admission by us that the law has been violated. We are enclosing a copy of the order for your information.

Employees presently employed by this company are free under this order to solicit the business of any and all accounts, including customers of competitors of this company.

Any restrictive covenant this company may enforce or enter into, is limited by the order to 1 year following termination of employment and to the customers served during the last 6 months of your employment with our company.

Very truly yours,

(President, Owner or Responsible Official)

Enclosure.

APPENDIX

NOTICE

TO ALL SALESMEN, ROUTE SALESMEN, AND ROUTEMEN

Pursuant to a Consent Order Agreement between this company and the *Federal Trade Commission*—

This Company Is Prohibited, among other things, from having any arrangement, agreement, or understanding with any other linen rental or industrial rental company, about the servicing of any customer or about prices or rates of rentals to any customer.

You Are Free to solicit the business of any and all accounts, including customers of competitors of this company.

(Employer)

By ----------

(Representative) (Title)

Dated ----------

This notice must remain posted for 180 consecutive days from the date of posting, and must not be altered, defaced or covered by any other material.

[F.R. Doc. 68-6273; Filed, May 27, 1968; 8:45 a.m.]

[Docket No. C-1329]

PART 13—PROHIBITED TRADE PRACTICES

Jack Sokoloff and A & A Travel Bureau

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-30 Connections or arrangements with others;

13.15–265 Service; § 13.75 *Free goods or services.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* 13.330–48 Hotels, motels, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1553 *Services;* Misrepresenting oneself and goods—Goods: § 13.1725 *Refunds.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Jack Sokoloff et al., Baltimore, Md., Docket C–1329, May 2, 1968]

In the Matter of Jack Sokoloff, an Individual Trading as A & A Travel Bureau

Consent order requiring an operator of a travel agency with offices in Washington, D.C., and Baltimore, Md., to cease misrepresenting that its services are free, using the names of well known resort hotels without authorization, misrepresenting that accommodations are available, failing to make prompt refund of deposits, and engaging in other deceptive practices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Jack Sokoloff, an individual, trading as A & A Travel Bureau or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering, rendering, sale, or distribution of any services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That customers are not charged when they avail themselves of respondent's services, or that respondent's services are free: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that none of his customers are charged for his services, and no deduction from his customers' deposit money has been made for expenses incurred by him.

(b) That respondent will provide immediate confirmation of reservations requested by his customers: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondent to establish that he does in every instance give his customers immediate confirmation of their reservations.

(c) That respondent's services as a travel agent extend to any and all hotels and motels.

(d) Through the use of classified telephone directory listings, such as "Concord Hotel Reservations Service," "Grossinger Reservations Service," "Holiday Hotel and Motel Reservations," and "Quality Hotel and Motel Reservations," or in any other manner, that respondent is the authorized area representative or agent for the Concord, Kiamesha Lake, N.Y.; Grossinger Hotel and Country Club, Grossinger, N.Y.; The Holiday Inns of America motel chain; or the Quality Courts motel chain; or misrepresenting, in any manner, his agency relationships, or affiliations or his business status.

2. Using the name of any place of accommodation or entertainment in any advertisement, listing, or directory unless respondent first obtains written authorization to do so from such place of accommodation or entertainment and such authority has not been subsequently revoked.

3. Representing directly or by implication that no accommodations are available when respondent has not contacted the place of accommodation to ascertain whether accommodations are available; or misrepresenting in any manner the availability of requested accommodations, transportation facilities, tickets for any event, or any other requested service.

4. Misrepresenting, in any manner, that reservations or any other requested services have been obtained by respondent; or misrepresenting any other details or aspects of services requested of respondent.

5. Failing, after accepting a customer's request, to make a bona fide and timely attempt to arrange, furnish or obtain requested reservations or any other requested service.

6. Failing to promptly inform respondent's customers that reservations requested by them are not available when respondent has ascertained such information.

7. Failing to promptly refund in full any prepayment or advance deposit remitted by a customer when respondent fails to arrange, furnish or obtain requested services.

8. Requesting or accepting from his customers any amount of money as prepayment or advance deposit for a reservation or other requested service when such amount is in excess of the rate or price charged by the particular establishment furnishing the reservation or other service, unless respondent discloses to the customer at the outset that the amount requested or received is in excess of the rate charged by such establishment.

9. Failing to immediately forward to the establishment furnishing the requested reservations or other service all funds, exclusive of agreed upon commissions, received from a customer as prepayment or advanced deposit for such reservations or other services: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for the respondent to establish that in any instance wherein such funds are not immediately forwarded to the establishment such was in accordance with an arrangement or agreement previously made with such establishment.

10. Failing to forward compensation owing to an establishment, furnishing reservations or services, when due.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: May 2, 1968.

By the Commission.

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

[F.R. Doc. 68–6274; Filed, May 27, 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 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2271) filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, and other relevant material, has concluded that the food additive regulations should be amended to remove the upper molecular weight specification for polyoxypropylene-polyoxyethylene condensate used in the formulation of food-packaging adhesives. 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 (21 CFR 2.120), § 121.2520(c)(5) is amended in the list of substances by revising the subject item to read as follows:

§ 121.2520 Adhesives.

* * * * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Polyoxypropylene-polyoxyethylene condensate (minimum molecular weight 1,900).	----------

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: May 20, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-6305; Filed, May 27, 1968; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

New-Drug Status Opinions; Statement of Policy

Published elsewhere in this issue of the FEDERAL REGISTER is a proposal to add to the new-drug regulation (21 CFR Part 130) a new Subpart D to provide for the listing of drugs for human use that do not now require an approved new-drug application. The proposed Subpart D is intended to furnish all interested persons information concerning the conditions necessarily associated with an opinion from the Food and Drug Administration that a designated article is "not a new drug" in addition to furnishing in due course current lists of such articles.

As a further explanation regarding new-drug status opinions, the Commissioner of Food and Drugs concludes that the following statement of policy should be issued. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 505, 701(a), 52 Stat. 1041–42, as amended, 1052–53, as amended, 1055; 21 U.S.C. 321(p), 355, 371(a)) and under the authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Subpart A of Part 130:

§ 130.39 New-drug status opinions; statement of policy.

(a) Over the years since 1938 the Food and Drug Administration has given informal advice to inquirers as to the new-drug status of preparations. These drugs have sometimes been identified only by general statements of composition. Generally, such informal opinions were incorporated in letters that did not explicitly relate all of the necessary conditions and qualifications such as the quantitative formula for the drug and the conditions under which it was prescribed, recommended, or suggested. This has contributed to misunderstanding and misinterpretation of such opinions.

(b) These informal opinions that an article is "not a new drug" or "no longer a new drug" require reexamination under the Kefauver-Harris Act (Public Law 87–781; 76 Stat. 788–89). In particular, when approval of a new-drug application is withdrawn under provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act, a drug generally recognized as safe may become a "new drug" within the meaning of section 201(p) of said Act as amended by the Kefauver-Harris Act on October 10, 1962. This is of special importance by reason of proposed actions to withdraw approval of new-drug applications for lack of substantial evidence of effectiveness as a result of reports of the National Academy of Sciences—National Research Council on its review of drug effectiveness; for example, see the notice published in the FEDERAL REGISTER of January 23, 1968 (33 F.R. 818), regarding rutin, quercetin, et al.

(c) Any marketed drug is a "new drug" if any labeling change made after October 9, 1962, recommends or suggests new conditions of use under which the drug is not generally recognized as safe and effective by qualified experts. Undisclosed or unreported side effects as well as the emergence of new knowledge presenting questions with respect to the safety or effectiveness of a drug may result in its becoming a "new drug" even though it was previously considered "not a new drug." Any previously given informal advice that an article is "not a new drug" does not apply to such an article if it has been changed in formulation, manufacture, control, or labeling in a way that may significantly affect the safety of the drug.

(d) For these reasons, all opinions previously given by the Food and Drug Administration to the effect that an article is "not a new drug" or is "no longer a new drug" are hereby revoked. This does not mean that all articles that were the subjects of such prior opinions will be regarded as new drugs. The prior opinions will be replaced by opinions of the Food and Drug Administration that are qualified and current on when an article is "not a new drug," as set forth in Subpart D (proposed) of this Part 130.

(Secs. 201(p), 505, 701(a), 52 Stat. 1041–42, as amended, 1052–53, as amended, 1055; 21 U.S.C. 321(p), 355, 371(a))

Dated: May 20, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-6306; Filed, May 27, 1968; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

Sec.
203.1 Purpose and function.
203.2 Application for registration.
203.3 Conditions of registration.
203.4 Certificates of registration.
203.5 Amendments to registration.
203.6 Validation of programs, projects, and services.
203.7 Acceptance and termination of registration.
203.8 Saving clause.

AUTHORITY: The provisions of this Part 203 issued under sec. 621, 75 Stat. 424, as amended; 22 U.S.C. 2381; E.O. 10973, 3 CFR, 1959–63 Comp.

§ 203.1 Purpose and function.

To foster the public interest in the field of voluntary foreign aid and the activities, other than religious, of nongovernmental organizations which serve the public interest therein, the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development (referred to in this part as the Committee) is authorized and directed to establish and to maintain, pursuant to the rules set forth in this part, a register of such nongovernmental organizations qualified for and voluntarily accepting registration; such register (a) to serve as a repository of information; (b) to enable the Committee to facilitate the programs and projects of the registrants; and (c) to provide information and advice, and perform such other functions, as may be necessary in furtherance of the purposes of this section.

§ 203.2 Application for registration.

Any person or nongovernmental organization or agency carrying on any nonprofit activities in the United States for the purpose of furthering or engaging in voluntary aid in areas outside the United States, including, but not limited to, projects and services of relief, rehabilitation, technical assistance, and welfare in the fields of health, education, agriculture, industry, emigration, and resettlement, may voluntarily make application for registration to the Chairman, Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523. Any person, organization, or agency whose application for registration is accepted under this part shall be referred to in this part as a registrant.

§ 203.3 Conditions of registration.

To establish that the primary purpose of an applicant is to further or engage in voluntary foreign aid, an applicant for registration shall submit evidence by its charter, articles of incorporation, constitution, bylaws, and other relevant documents, and a statement upon forms to be provided by the Committee or otherwise as may be required that:

(a) It maintains its principal place of business in the United States;

(b) It is controlled by an active and responsible body composed principally of U.S. citizens, who serve without compensation, who have accepted the responsibility to carry out the activities of the agency to be reported to the Committee, and who will exercise satisfactory controls to assure that its services and resources are administered competently in the public interest;

(c) It has been authorized by the Internal Revenue Service to inform donors that their contributions may be deducted for Federal income tax purposes;

(d) It will only engage in activities or enterprises consistent with the fulfillment of the purposes and objectives as set forth in the application, or in any programs, projects, or services subsequently filed with the Committee;

(e) The funds and resources of the registrant, will be obtained, expended, and distributed in ways which conform to accepted ethical standards without unreasonable cost for promotion, publicity, fund raising, and administration at home and abroad;

(f) Fund raising drives and attendant publicity will be timed, insofar as practicable, to avoid conflict with national appeals for public support during the limited periods of the countrywide campaigns of the American National Red Cross, the Community Chests, Savings Bond drives of the U.S. Treasury, or similar campaigns of accepted general national interest;

(g) It will notify the Committee of any programs, projects, or services which involve contractual support of United States or international governmental organizations in order that the Committee may lend its good offices and that coordination may be assured pursuant to the President's Directive of May 14, 1946;

(h) Such current and periodic reports and information will be provided as the Committee may require from time to time pertaining to the registrant's organization, programs, projects, and finances, including audits by a certified public accountant, or other pertinent activities. All records pertaining to responsibilities as a registrant and related to activities as such shall be made available for official inspection. Information on registration, organization, periodic reports on programs and finances shall be available for public inspection.

§ 203.4 Certificates of registration.

Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in § 203.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the U.S. Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been recorded under the terms set forth in § 203.6. Notice of issuance of certificates will be published in the FEDERAL REGISTER.

§ 203.5 Amendments to registration.

A registrant's registration shall be amended whenever a material change is made in the registrant's organization, its purposes, governing personnel, or overseas program activities. The application for amendment shall be supported by written notice of the controlling body or other evidence certified by an authorized official. Notice of approval of such amendments by the Committee will be given to the registrant in writing.

§ 203.6 Validation of programs, projects, and services.

(a) To qualify for subventions provided by law in furtherance of the purposes and objectives of their organizations, registrants will submit applications upon forms provided by the Committee or otherwise as may be required, for the validation of specific country programs, projects, or services of relief, rehabilitation, technical assistance, and welfare in the fields of health, education, agriculture, industry, emigration, and resettlement. Notices of acceptance will be issued by the Committee as supplements to certificates of registration: *Provided*, That:

(1) The specific program, project, or service is within the scope of any agreement that has been concluded between the U.S. Government and the government of the county of interest in furtherance of the operations of registrants acceptable to such governments;

(2) In the absence of such an agreement as set forth in subparagraph (1) of this paragraph satisfactory assurances are:

(i) Obtained from the government of the country in question that appropriate facilities are or will be afforded for the necessary and economical operations of the program, project, or service including (*a*) acceptance of the specific program, project, or service; (*b*) the supplies approved in support of the program, project, or service are free of customs duties, other duties, tolls, and taxes; (*c*) treatment of supplies as a supplementary resource; (*d*) the identification of the supplies, to the extent practicable, as to their U.S. origin; and (*e*) insofar as practicable the reception, unloading, warehousing, and transport of the supplies free of cost to points of distribution.

(ii) Provided by the registrant that (*a*) shipments will be made only to consignees reported to the Committee and full responsibility is assumed by the registrant for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them, or in special cases and following notice to the Committee, for sale to recipients at nominal cost or as payment for work performed to promote projects of self-help and economic development, but in no case shall supplies be withheld from needy persons because of their inability to pay or work; and (*b*) distribution is made solely on the basis of need without regard to race, color, religion, or national origin under the supervision of U.S. citizens specifically charged with the responsibility for the program or project, or by non-U.S. citizens upon notification to and approval by the Committee of justification of their selection on account of the character and economy of the operation, and the degree of cooperation and acceptance of responsibility of the indigenous agency.

§ 203.7 Acceptance and termination of registration.

(a) Registrations shall remain in force until relinquished voluntarily by the registrant upon written notice to the Committee or formal notice from the Committee is published in the FEDERAL REGISTER stating that they are:

(1) Amended in accordance with § 203.5; or

(2) Suspended or terminated.

(b) Acceptance of a notice of relinquishment of registration shall be subject to submittal of final reports to the Committee, including the plans for disposition of the registrant's residual assets acquired in support of its registered programs.

§ 203.8 Saving clause.

The Administrator of the Agency for International Development may waive, withdraw, or amend from time to time any or all of the provisions of the regulations in this part.

RUTHERFORD POATS,
Deputy Administrator.

MAY 18, 1968.

[F.R. Doc. 68-6280; Filed, May 27, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER B—NAVIGATION

PART 706—NAVIGATIONAL LIGHT WAIVERS

Certificate

Sections 360 and 1052 of Title 33, United States Code, provide that the requirements of the Regulations for Preventing Collisions at Sea, 1960, the Inland Rules, the Great Lakes Rules, and the Western Rivers Rules, as to the number, position, range, or arc of visibility of particular lights required to be displayed by vessels, shall not apply to any vessel of the Navy when the Secretary of the Navy shall certify that, by reason of special construction, it is not possible for such a vessel or class of vessels to comply with the statutory provisions.

A recent study indicates that the military design of the Landing Craft Repair Ship (ARL) class of vessels precludes installation of the towing lights as required by Rule 3(a) of the Regulations for Preventing Collisions at Sea (33 U.S.C. sec. 1063(a)) and Article 3(a) of the Inland Rules (33 U.S.C., sec. 173(a)).

I hereby certify that these Landing Craft Repair Ships (ARL) are naval vessels of special construction, and, with respect to the two lower towing lights on these vessels, it is not possible to comply strictly with the requirements of the statutes last enumerated.

Further, I find that it is feasible to locate the said navigation lights as follows:

The towing lights will be located properly as regards their placement on the vessel and the vertical separation between each of the lights. However, the lower two lights in the three-light presentation will be obstructed, when viewed from off the vessel's port and starboard bow. There will be a 1.5° arc of obstruction, from 10° through 11.5° relative to the

vessel's head; and a 2.5° arc of obstruction, from 346° through 348.5°, relative to the vessel's head.

Further, I certify that the location of the lights on such vessels complies as closely as possible with the requirements of the applicable statutes.

Amendment. Therefore, I do direct that the tabulation of light waivers, entitled "Notes," under § 706.2, Title 32, Code of Federal Regulations as published in the FEDERAL REGISTER of August 31, 1965 (30 F.R. 11172, 11173), be amended by adding the following Note, No. 15, thereto:

15. On Landing Craft Repair Ships (ARL) the lower two towing lights in the three-light presentation (based on International Rule 3(a) and Inland Article 3(a)) will be obstructed when viewed from off the vessel's port and starboard bow. There will be a 1.5° arc of obstruction, from 10° through 11.5°, relative to the vessel's head; and a 2.5° arc of obstruction, from 346° through 348.5°, relative to the vessel's head.

I specify that the foregoing amendment shall become effective on the date of publication of this document in the FEDERAL REGISTER.

(Sec. 1, 59 Stat. 590; sec. 2, 77 Stat. 194; 33 U.S.C. 360, 1052)

CHARLES F. BAIRD,
Acting Secretary of the Navy.

MAY 16, 1968.

[F.R. Doc. 68-6299; Filed, May 27, 1968; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 158—UNDELIVERABLE MAIL

Provisions Applicable to All Classes; Correction

In F.R. Doc. 68-5506 in the issue of May 8, 1968, at pages 6933-6434, paragraph (a) in § 158.1 is corrected to read as follows:

§ 158.1 Provisions applicable to all classes.

(a) *Reasons for nondelivery.* Mail that cannot be delivered because of incomplete or incorrect address, or the removal of the addressee, or is unclaimed or refused by the addressee, will be treated in accordance with this part at the office where the mail is found to be undeliverable. This includes nixie mail which is mail not transmissible because of illegible or insufficient address. Refused mail is that which is refused at time delivery is attempted; and that returned to the mail unopened by addressee, and marked refused. Mail properly delivered and opened by the addressee will not be reaccepted without payment of new postage. Undelivered mail returned to the sender should not again be mailed unless enclosed in a new envelope or wrapper with a correct address and new postage.

* * * * *

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

TIMOTHY J. MAY,
General Counsel.

MAY 22, 1968.

[F.R. Doc. 68-6289; Filed; May 27, 1968; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Miscellaneous Amendments

Part 801 is amended by deleting the word "miscegenation" from Appendices B and D under the headings "Alabama" and "South Carolina", and adding a new item (7) to Appendix D under the heading "South Carolina".

APPENDIX B

* * * * *

ALABAMA

* * * * *

(4) He has not been convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude, or of vagrancy or being a tramp, or of selling or offering to sell his vote or the vote of another, or of buying or offering to buy the vote of another, or of making or offering to make a false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector, or if so convicted he has been subsequently pardoned with restoration of his right to vote specifically expressed in the pardon.

* * * * *

SOUTH CAROLINA

* * * * *

(4) He has not been convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, larceny, challenging or accepting a challenge to duel with a deadly weapon, or crimes against the election laws, or if so convicted his right to vote has been restored by pardon.

* * * * *

APPENDIX D

* * * * *

ALABAMA

* * * * *

(3) He is convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on wife, bigamy, living in adultery, sodomy, incest, rape, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude, or vagrancy or being a tramp, or selling or offering to sell his vote or the vote of another, or of buying or offering to buy the vote of another, or of making or offering to make false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector, and has not been subsequently pardoned with restoration of his right to vote specifically expressed in the pardon;

* * * * *

SOUTH CAROLINA

* * * * *

(3) He is convicted of burglary, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, larceny, challenging or accepting a challenge to duel with a deadly weapon, or crimes against the election laws and his right to vote has not been restored by pardon;

* * * * *

(7) He fails to register in accordance with State law requiring general registration of all previously registered voters every 10th year. However, he does not lose his eligibility to vote if he has attempted to register in accordance with State law and his application was rejected without legal cause or solely because his prior registration was by listing by an Examiner.

* * * * *

(Secs. 7, 9, Voting Rights Act of 1965; Public Law 89-110)

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

[F.R. Doc. 68-6351; Filed, May 27, 1968; 10:31 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1138]

[Docket No. AO–335–A13]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Sheraton Western Skies Motel, 13400 Central SE., Albuquerque, N. Mex., beginning at 9:30 a.m., local time, on June 3, 1968, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Rio Grande Valley marketing area.

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

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

Proposed by Milk Producers, Inc.:

Proposal No. 1. Continue the credits for specified Class II uses contained in § 1138.55 through August 1969.

Proposed by New Mexico Milk Producers Association:

Proposal No. 2. Revise § 1138.7(b)(4) to read as follows:

§ 1138.7 **Producer.**

* * * * * * *

(b) * * *

(4) For the purpose of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the nonpool plant to which diverted.

Proposal No. 3. Delete § 1138.10(c).

Proposal No. 4. Delete the supply-demand adjustment to the Class I price contained in § 1138.51(a).

Proposal No. 5. Delete § 1138.55.

Proposed by Mr. Dudley Price:

Proposal No. 6. Delete the word "certified" from 1138.46(a)(2)(i).

Proposed by Price Creameries, Inc., and the Borden Co.:

Proposal No. 7. Revise that part of § 1138.8(a) preceding the proviso to read as follows:

§ 1138.8 **Producer-handler.**

(a) "Producer-handler" means any person who processes and packages milk from his own farm production, who distributes 30,000 pounds or less per month of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant, or any person who processes and packages certified milk from his own farm production and disposes of such milk to another plant and who receives no milk from any source except from his certified herd: * * *

* * * * * *

Proposed by Clardy-Campbell Dairy Products, Inc.:

Proposal No. 8. Change the order from marketwide pooling to individual-handler pooling.

Proposal No. 9. Change the supply-demand adjustor to the Class I price to provide that when one or more of the six orders used in calculating the supply-demand average for the Rio Grande Valley order has its supply-demand factor suspended or terminated then this order or orders not be used in arriving at the simple arithmetic average adjustment.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 10. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Earl C. Born, Post Office Box 8636, Albuquerque, N. Mex. 87108, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on May 22, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68–6295; Filed, May 27, 1968; 8:46 a.m.]

[9 CFR Part 310]

MEAT INSPECTION

Organs and Parts To Be Held Pending Final Inspection of Carcasses

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act (21 U.S.C. 71–91 and Public Law 90–201), proposes to amend § 310.2 of the Meat Inspection Regulations (9 CFR 310.2) to read as follows:

§ 310.2 **Identification of carcass with certain severed parts thereof and with animal from which derived.**

The head, tail, tongue, thymus gland, and all viscera of each slaughtered animal; and all other parts and blood of such animal to be used in the preparation of meat food products or medical products shall be handled in such a manner as to identify them with the rest of the carcass and as being derived from the particular animal involved, until after post-mortem examination of the carcass and parts thereof has been completed. Such handling shall include retention of ear tags, back tags, implants, and other identifying devices affixed to the animal, in such a way as to relate them to the carcass until the post-morten examination has been completed.

Statement of considerations. Maintaining a clean, safe, and wholesome meat supply remains a prime function of the Consumer and Marketing Service of the Department of Agriculture. In order for the public to obtain maximum benefits from such a program, it is mandatory that regulations governing such service be kept up to date with the many changes in today's modern meat industry.

The present regulations do not require adequate maintenance of identity of animals. In many modern slaughtering operations the identity needed to trace the origin of an animal is lost before a final post-mortem inspection is completed. Thus, inspectors do not have immediately available all of the necessary information regarding an animal that would assist in determining the wholesomeness of the carcass.

In many instances, inspectors are required to withhold animals and carcasses from food channels until additional information necessary for determining wholesomeness can be assembled. This could be avoided in many cases if the information derived from identifying devices, such as would be provided to the inspectors under the amendment, was always available on the animals and carcasses involved. When the identity of the animal is accurately maintained, an epidemiological "traceback" would supply the needed information to assist in making a final disposition of the carcass.

The incidence of many diseases and conditions affecting the wholesomeness of a carcass is not the same in all areas of the United States. One approach toward controlling biological residues, zoonotic, and exotic diseases must be by an "early warning" system to alert inspectors when animals appear from geographical locations where such problems are known to exist. When this occurs, expanded inspectional procedures can be inaugurated to strengthen consumer protection. Conversely, disposition of carcasses on postmortem inspection

could be expedited for those identified as derived from animals that did not originate in such locations.

This amendment would require that identifying marks (such as ear tags, back tags, implants, etc.) be related to the carcass until a final post-mortem inspection is completed. One procedure would be to place identifying marks in a clean plastic bag and attach to the carcass. Modification of this or other adequate procedures which the meat industry would use to meet the intent of the regulations would be acceptable.

When indicated by post-mortem findings, these identifying features could then be reviewed to develop information concerning the animal which would aid in making a disposition or deciding if further testing is desirable.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so, by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 22d day of May 1968.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 68-6296; Filed, May 27, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Drugs, in Finished Dosage Form, for Human Use Previously Cleared Through New-Drug Procedures for Which New-Drug Applications Are Not Now Required as Condition for Marketing; Proposed Listing of Metyrapone and Metyrapone Ditartrate

To inform interested persons, especially manufacturers and distributors of drugs, of the policies and interpretations of the Food and Drug Administration resulting from the review of the effectiveness of drugs that were cleared through the new-drug procedures (21 U.S.C. 355) between 1938 and October 10, 1962, on the basis of safety (see FEDERAL REGISTER notice of July 9, 1966; 31 F.R. 9426) and related policy determinations concerning the current new-drug status of such drugs, it is proposed that new sections be added to Part 130 as set forth below including a proposed listing of metyrapone and metyrapone ditartrate as a drug for human use that does not now require an approved new-drug application.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502 (a), (f), 505, 701(a), 52 Stat. 1041, 1050–53, 1055, as amended 76 Stat. 781–84; 21 U.S.C. 321 (p), 352 (a), (f), 355, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 130 be amended by adding thereto a new Subpart D containing two new sections, as follows:

Subpart D—Human-Use Drugs (in Finished Dosage Form) Previously Cleared Through New-Drug Procedures for Which Approved New-Drug Applications Are Not Now Required as a Condition for Marketing

§ 130.301 Drugs for human use that do not now require an approved new-drug application.

(a) Drugs introduced into the market through the new-drug procedures (21 U.S.C. 355) between 1938 and 1962 have been subject to reevaluation to determine if they are effective as well as safe for their recommended uses pursuant to section 107 of the Kefauver-Harris Act (Public Law 87-781; 76 Stat. 788–89) enacted October 10, 1962. Based on the reevaluation of these drugs, the Food and Drug Administration will regard under specific conditions some of these drugs as no longer new drugs as defined in section 201(p) of the Federal Food, Drug, and Cosmetic Act as amended by the Kefauver-Harris Act.

(b) Any drug introduced through the new-drug procedures or marketed without new-drug clearance may be listed in § 130.302 as not now requiring an approved new-drug application for marketing when it is determined by the Commissioner that such drug, adequately identified and meeting appropriate standards, is generally recognized by qualified experts as safe and effective for use under the conditions prescribed, recommended, or suggested in its labeling and that it has been used to a material extent and for a material time under such conditions.

(c) The conditions under which specified drugs could be listed as not now requiring an approved new-drug application will be proposed by the Commissioner in the FEDERAL REGISTER, on his own initiative or on behalf of any interested person, and written comments will be invited. After considering all available data, the Commissioner will issue an order in the FEDERAL REGISTER providing for or ruling against such listing. Proposals submitted to the Commissioner by an interested person may be refused by written notice from the Commissioner if the proposal is not supported by reasonable grounds.

(d) Proposals by interested persons for listing a drug as not now requiring an approved new-drug application shall include the drug's labeling or proposed labeling, a full statement of its composition, a showing that the drug has been used to a material extent and for a material time under such conditions, and a statement of reasonable grounds for classifying the drug as generally recognized as safe and effective under the conditions prescribed, recommended, or suggested in its labeling.

(e) If the Commissioner finds that new evidence of clinical experience or other information regarding the safety or effectiveness of a drug listed in § 130.302(b) invalidates a prior conclusion that a drug is generally recognized by qualified experts as safe and effective for use under the conditions set forth in such a regulation, he shall:

(1) After furnishing public notice of the proposal in the FEDERAL REGISTER and opportunity for comment thereon:

(i) Promulgate a revision of the conditions set forth in the regulation to establish conditions under which he finds that the drug is generally recognized by qualified experts as safe and effective; or

(ii) Promulgate an order revoking such listing of the drug when he finds that the drug has not been used to a material extent or for a material time under conditions of use that are generally recognized by qualified experts as safe and effective; or

(2) Promulgate an order immediately revoking such listing of the drug if:

(i) The Secretary has suspended the approval of a new-drug application for such drug immediately on a finding that there is an imminent hazard to the public health, as provided in section 505(e) of the act; or

(ii) The Commissioner finds that there is an imminent hazard to the public health and that no approval of a new-drug application is in effect for such drug.

(f) The listing of drugs in § 130.302(b) does not apply to drugs of different composition or labeling from that stated therein, and the marketing or promoting of a drug for use under conditions contrary to or inconsistent with the stated conditions may result in regulatory proceedings.

§ 130.302 List of drugs for human use that do not now require an approved new-drug application.

(a) An approved new-drug application is not now required for the finished dosage form of the drugs for human use listed in paragraph (b) of this section provided that all of the following conditions are met:

(1) *General labeling requirements.* All labeling and advertising of the drug prescribes, recommends, or suggests its use only under the conditions set forth in the specific regulation on the drug in paragraph (b) of this section.

(2) *General composition and product requirements.* (i) The active ingredients of the drug correspond completely, qualitatively and quantitatively, with the composition stated in the specific regulation in paragraph (b) of this section. The drug may contain suitable inactive ingredients only if they comply with all of the following conditions:

(a) Their use does not cause the drug to be a new drug within the meaning of section 201(p) of the act as amended.

(b) Their use does not conflict with the provisions of the official compendia regarding "added substances."

(c) They are harmless in the amounts to be administered and do not interfere with the therapeutic efficacy of the preparation or with tests or assays to determine if the drug meets its professed standards of identity, strength, quality, and purity.

(d) Each ingredient used, if it is a drug the name of which is recognized in an official compendium, conforms to the standards set forth in such compendium. Ingredients not so recognized conform to specifications adequate to assure their suitability as to identity, strength, quality, and purity.

(ii) The finished drug meets specifications adequate to assure its identity, strength, quality, and purity and to assure its safe and effective use. If it is a drug the name of which is recognized in an official compendium, it conforms to the standards set forth in such compendium.

(iii) The drug is packaged in a container:

(a) That is suitable and not reactive, additive, or adsorptive to an extent that significantly affects the identity, strength, quality, or purity of the drug; and

(b) That is labeled with a suitable expiration date, and where needed, with recommended conditions of drug storage such as temperatures.

(3) *General reporting requirements.* Each applicant for whom a new-drug application or supplement has been made effective or has been approved maintains all records received or otherwise obtained by him containing any of the kinds of information described in § 130.13(a) and submits all information reported to or otherwise received by him of the kinds required by § 130.13(b) (1) and (2).

(4) *Inactive status of approved applications.* The applicant for whom a new-drug application or supplement has been made effective or has been approved is not required to submit supplemental applications covering changes from the conditions set forth in such application for a drug listed in § 130.302(b) and meeting all of the conditions of such listing.

(b) Drugs for which a new-drug application is not now required:

(1) Metyrapone and metyrapone ditartrate, subject to the following conditions:

(i) It is in tablet form and contains not more than 250 milligrams of metyrapone per dosage unit or it is in injectable form suitable for intravenous infusion and contains not more than 100 milligrams of metyrapone ditartrate per milliliter.

(ii) Its label bears the prescription legend "Caution: Federal law prohibits dispensing without prescription."

(iii) It meets all of the requirements in paragraph (a) of this section.

(iv) It is labeled substantially as follows:

METYRAPONE

DESCRIPTION

2-Methyl-1,2-di-3-pyridyl-1-propanone (U.S.P.). The base is used for the tablets. For the injectable solution the ditartrate is prepared in concentration of 100 mg./ml.

ACTION

Immediate effect of reducing cortisol production by inhibition of adrenal 11-β-hydroxylation. In the normal person, a compensatory increase in ACTH release follows and the secretion of 11-desoxycortisol and 11-desoxycorticosterone, "17-hydroxycorticoids," are markedly accelerated.

INDICATION

A diagnostic test drug for hypothalamico-pituitary function.

CONTRAINDICATION

Adrenal cortical insufficiency.

WARNING

USE IN PREGNANCY: The safety of metyrapone in pregnant women has not been established.

PRECAUTIONS

All corticosteroid therapy must be discontinued prior to and during metyrapone testing.

Ability of adrenals to respond to exogenous ACTH should be demonstrated before metyrapone is employed as a test.

Drug may induce acute adrenal insufficiency in patients with reduced adrenal secretory capacity.

ADVERSE REACTIONS

Nausea, abdominal discomfort, dizziness, headache, and sedation.

Occasional thrombophlebitis has occurred following intravenous administration.

DOSAGE AND ADMINISTRATION

Day 1: Control period: Collect 24 hour urine with measurement of 17-hydroxycorticosteroids (17-OHCS) or 17-ketogenic steroids (17-KGS).

Day 2: ACTH test: Standard ACTH test such as administering 50 units ACTH by infusion over 8 hours and measurement of 24 hours urinary steroids.

Day 3–4: Rest period.

Day 5: Metyrapone administration. A method is as follows:

a. Oral—Adults—750 mg. orally, every 4 hours for 6 doses. A single dose is approximately equivalent to 15 mg./kg.

Children—15 mg./kg. orally, every 4 hours for 6 doses. A minimal single dose of 250 mg. is recommended.

b. Intravenous—30 mg./kg. in 1,000-ml. saline solution or 5 percent dextrose in water, given by intravenous infusion over a 4-hour period starting between 8–10 a.m. Collect urine for 24-hour period beginning at the start of the test.

Day 6: Postoral metyrapone measurement: 24-hour steroid determination for effect.

INTERPRETATION

ACTH: The normal 24-hour urinary excretion of 17-OHCS ranges from 3 to 12 mg. Following continuous intravenous infusion of 50 units ACTH over a period of 8 hours, the 17-OHCS excretion is increased to 15 to 45 mg. per 24 hours.

Metyrapone:

a. Normal response: In patients with a normally functioning pituitary, the administration of metyrapone orally or intravenously is followed by a two- to four-fold increase of 17-OHCS excretion or doubling of 17-KGS excretion.

b. Subnormal response: Subnormal response in patients without adrenal insufficiency in indicative of some degree of impairment of pituitary function, either panhypopituitarism or partial hypopituitarism (limited pituitary reserve).

1. Panhypopituitarism is readily diagnosed by the classical clinical and chemical evidences of hypogonadism, hypothyroidism, and hypoadrenocorticism. These patients usually have subnormal basal urinary steroid levels. Depending upon the duration of the disease and degree of adrenal atrophy, they may fail to respond to exogenous ACTH in the normal manner. Metyrapone administration is not essential in the diagnosis, but if given, it will not induce an appreciable increase in urinary steroids.

2. Partial hypopituitarism or limited pituitary reserve is the more difficult diagnosis as these patients do not present the classical signs and symptoms of hypopituitarism. Measurements of target organ functions often are normal under basal conditions. The response to exogenous ACTH is usually normal, producing the expected rise of urinary steroids (17-OHCS or 17-KGS). The response, however, to metyrapone orally or intravenously is subnormal; that is, no significant increase in 17-OHCS or 17-KGS excretion occurs.

This failure to respond to metyrapone may be interpreted as evidence of impaired pituitary-adrenal reserve. In view of the normal response to exogenous ACTH, the failure to respond to metyrapone is inferred to be related to a defect in the CNS-pituitary mechanisms which normally regulate ACTH secretions. Presumably the ACTH secreting mechanism of these individuals are already working at their maximal rates to meet everyday conditions and possess limited "reserve" capacities to secrete additional ACTH either in response to stress or to decreased cortisol levels occurring as a result of metyrapone administration.

c. Excessive response: An excessive excretion of 17-OHCS or 17-KGS above the normal range after metyrapone administration is suggestive of Cushing's syndrome associated with adrenal hyperplasia. These patients have an elevated excretion of urinary corticosteroids under basal conditions and will often, but not invariably, show a "supernormal" response to ACTH and also to metyrapone, excreting more than 35 mg. per 24 hours of either 17-OHCS or 17-KGS.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) on this proposal. Comments may be accom-

panied by a memorandum or brief in support thereof.

Dated: May 20, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-6307; Filed, May 27, 1968; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 61, 91]

[Docket No. 8284; Notice 67-31]

INSTRUMENT FLIGHT TESTS, FLIGHT INSTRUCTION, AND SIMULATED INSTRUMENT FLIGHT

Use of Partial Dual Control Aircraft; Withdrawal of Proposed Rule Making

The purpose of this notice is to withdraw Notice No. 67-31 (32 F.R. 10660; July 20, 1967) in which the FAA proposed to amend Parts 61 and 91 of the Federal Aviation Regulations to permit the use of single yoke and other partial dual control aircraft for flight instruction and simulated instrument flight where the flight instructor or safety pilot has immediate and unobstructed access to all essential controls, including the power, pitch, roll, and heading controls.

The proposed amendment was based in large part on experience gained under exemptions issued to the Aircraft Owners and Pilots Association Foundation, which indicated that fully functioning dual controls in aircraft would not appear to be necessary to safely conduct flight instruction and simulated flight under certain specified conditions.

However, upon further evaluating the proposal in the light of comments received and related safety considerations, the FAA has determined that rule-making action as proposed is not appropriate for reasons of safety and that Notice 67-31 should be withdrawn.

Withdrawal of this notice constitutes only such action, and does not preclude the FAA from issuing other notices in the future or commit the FAA to any course of action in the future.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (32 F.R. 10660; July 20, 1967) and circulated as Notice 67-31, is hereby withdrawn.

This withdrawal is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421).

Issued in Washington, D.C., on May 21, 1968.

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

[F.R. Doc. 68-6282; Filed, May 27, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[Docket No. 19757; EDR-139]

CHARTER TRIPS AND SPECIAL SERVICES

Charters From Direct Air Carriers in Emergency Situations and for Carriage of Company Personnel and Property

MAY 23, 1968.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 207 of the Economic Regulations which would permit direct air carriers to charter aircraft to supplemental and other direct air carriers for commercial traffic in cases of emergency or solely for the transportation of company personnel or company property.

The principal features of the proposed amendment are further described in the explanatory statement. The amendment is proposed under the authority of sections 204(a) and 401 of the Federal Aviation Act of 1958, as amended (72 Stat. 743 and 754 (as amended by 76 Stat. 143); 49 U.S.C. 1324 and 1371).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All revelant matter received on or before June 27, 1968, will be considered by the Board.

Upon receipt by the Board, copies of the above communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Under subparagraph (1) of the definition of "Charter trip" in § 207.1 of the Board's economic regulations there is no provision permitting direct air carriers to charter aircraft from other direct air carriers for the transportation of commercial traffic in emergency situation or for the transportation of company personnel or company property. However, such charters can be permitted by the Board in its discretion upon the filing of a specific request for exemption.

Trans International Airlines, Inc. (TIA) has filed a petition in Docket 19757 to amend § 207.1 to permit direct air carriers thereunder to charter aircraft to supplemental and other direct air carriers for the transportation of commercial traffic in cases of emergency or solely for the transportation of personnel or property of a supplemental or other direct air carrier. Similar provisions are contained in other charter regulations of the Board: Specifically § 208.3(s)(2)(i)(a) and (ii)(a) applicable to supplemental air carriers, section 212.1(a)(5) applicable to foreign air carriers, § 214.2(b)(1)(i) and (2)(i) applicable to foreign air carriers holding charter authority only, and § 295.2(b)(1)(i) and (2)(i) applicable to transatlantic supplemental air transportation.

TIA asserts that, because of the absence of such a provision in Part 207, several instances have occurred in which, in emergencies, supplemental air carriers have been required to purchase individually ticketed transportation to accommodate group charter passengers. This is alleged to have resulted in unnecessary extra cost to the supplemental air carriers and considerable delay and confusion to the passengers.

Accordingly, since a similar provision is contained in all other charter regulations, and since its absence from Part 207 may cause unnecessary hardship for supplemental and other direct air carriers and charter passengers as well as the administrative burden of last-minute specific exemption requests, the Board proposes to amend the definition of "charter trip" in section 207.1 to permit charters of aircraft by direct air carriers to supplemental and other direct air carriers for the transportation of commercial traffic in emergency situations as well as for the transportation of company personnel and company property.

Proposed rule. It is proposed to amend Part 207 of the Economic Regulations (14 CFR Part 207) by modifying subparagraph (1) of the definition of "charter trip" in § 207.1 to read as follows:

§ 207.1 Definitions.

* * * * *

(1) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic).

* * * * *

[F.R. Doc. 68-6316; Filed, May 27, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

YELLOWFIN TUNA IN EASTERN PACIFIC OCEAN

Increase in Catch Limit

Notice is hereby given pursuant to § 280.5, Title 50, Code of Federal Regulations, as follows:

On May 8, 1968, the Director of Investigations of the Inter-American Tropical Tuna Commission recommended to the Commission that the yellowfin tuna catch limit of 93,000 short tons adopted by the Commission at its 1968 Annual Meeting and subsequently announced on April 16, 1968 (33 F.R. 5805), be increased to 106,000 short tons. This increase is based upon the increased abundance of yellowfin tuna.

On May 21, 1968, the Director announced that all member governments have concurred in the increased catch limit of 106,000 short tons. The open season (§ 280.4; Title 50, Code of Federal Regulations) will be based on this new and larger catch limit.

Issued at Washington, D.C., and dated May 23, 1968.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-6335; Filed, May 27, 1968; 8:48 a.m.]

National Park Service

BIGHORN CANYON NATIONAL RECREATION AREA, MONTANA AND WYOMING

Description of Boundaries

Pursuant to authority vested in me by the act of October 15, 1966 (80 Stat. 913; 16 U.S.C. 460t), providing for establishment of the Bighorn Canyon National Recreation Area, notice is hereby given that the initial detailed boundaries of the area have been determined. Such boundaries, which encompass, to the extent practicable, the lands and waters shown on the drawing referred to in section 1(a) of the aforesaid act are described as follows:

Beginning at the intersection of the 3,675-foot contour on the east bank of the Big Horn River and the north line of sec. 19, T. 58 N., R. 94 W., sixth principal meridian (Wyoming) said point being on the Montana-Wyoming State line;

Thence easterly along said State line and the north line of said sec. 19, to the northeast corner thereof;

Thence southerly along the east lines of secs. 19 and 30, T. 58 N., R. 94 W., sixth principal meridian, to the southeast corner of said sec. 30;

Thence easterly along the north line of the NW¼NW¼ of sec. 32, said township and range, to the northeast corner thereof;

Thence southerly along the east line of the W½W½ of said sec. 32, to the south line thereof;

Thence easterly along the south line of said sec. 32, and the north line of sec. 5, T. 57 N., R. 94 W., sixth principal meridian, to the northeast corner of said sec. 5;

Thence southerly along the east line of said sec. 5, to the east quarter corner thereof;

Thence easterly along the east-west centerline of sec. 4, said township and range, to the east quarter corner thereof;

Thence southerly along the east line of said sec. 4, to the southeast corner thereof;

Thence easterly along the north line of the NW¼NW¼ of sec. 10, said township and range, to the northeast corner thereof;

Thence southerly along the east line of the W½W½ of secs. 10 and 15, said township and range, to the south line of said sec. 15;

Thence easterly along the north line of sec. 22, said township and range, to the northwest corner of the NE¼NE¼ thereof;

Thence southerly along the west line of said NE¼NE¼ of sec. 22, to the southwest corner thereof;

Thence easterly along the south line of said NE¼NE¼ of sec. 22, to the southeast corner thereof;

Thence southerly along the east line of said sec. 22 to the east quarter corner thereof;

Thence easterly along the north line of the NW¼SW¼ of sec. 23, said township and range, to the northeast corner thereof;

Thence southerly along the east line of the W½SW¼ of said sec. 23 and the east line of lots 1 and 2 of sec. 26, said township and range, to the southeast corner of said lot 2;

Thence easterly along the north line of the NE¼SW¼ of said sec. 26 to the northeast corner thereof;

Thence southerly along the east line of the SW¼ of said sec. 26 to the southeast corner thereof;

Thence westerly along the north line of the NE¼NW¼ of sec. 35, said township and range, to the northwest corner thereof;

Thence southerly along the east line of the W½NW¼ and NW¼SW¼ of said sec. 35, to the southeast corner thereof;

Thence westerly along the south line of said NW¼SW¼ of sec. 35 to the southwest corner thereof;

Thence southerly along the west line of said sec. 35 to the southwest corner thereof;

Thence easterly along the south line of said sec. 35, T. 57 N., R. 94 W., sixth principal meridian, and the north line of sec. 4, T. 56 N., R. 94 W., sixth principal meridian, to the northeast corner of said sec. 4;

Thence southerly along the east line of said sec. 4, to the southeast corner thereof.

Thence easterly along the north line of the NW¼NW¼ of sec. 10, said township and range, to the northeast corner thereof;

Thence southerly along the east line of the W½NW¼ of said sec. 10, to the southeast corner thereof;

Thence easterly along the north line of the NE¼SW¼ of said sec. 10, to the northeast corner thereof;

Thence southerly along the east line of the SW¼ of said sec. 10, and the east line of lot 1 of sec. 15, to its intersection with the eastward extension of the north line of lot 48, T. 56 N., R. 94 W., sixth principal meridian;

Thence westerly along said extension of the north line of lot 48, to the northeast corner thereof;

Thence southerly along the east line of said lot 48 to the southeast corner thereof;

Thence easterly to the east line of lot 1 of sec. 22, said township and range;

Thence southerly along the north-south centerline of said sec. 22 to the south quarter corner thereof;

Thence westerly along the north line of the NE¼NW¼ of sec. 27, said township and range, to the northwest corner thereof;

Thence southerly along the west line of the E½W½ of said sec. 27 and the west line of the E½W½ of sec. 34, said township and range, to the south line of said sec. 34;

Thence westerly along the south line of lot 6, sec. 34, T. 56 N., R. 94 W., sixth principal meridian, to the east line of lot 41, T. 55 N., R. 94 W., sixth principal meridian;

Thence northerly along the east line of said lot 41 to a point 88 feet southerly of the northeast corner thereof;

Thence proceeding through said lot 41 as follows: S. 65°45′ W., 393.1 feet; S. 44°45′ W., 566.8 feet; N. 65°00′ W., 330.6 feet; N. 80°45′ W., 362.2 feet; S. 43°23′ W., 466.6 feet; S. 67°00′ W., 676.6 feet; and N. 83°02′ W., 300.4 feet to a point on the east line of lot 1 of sec. 4, T. 55 N., R. 94 W., sixth principal meridian, said point being 580.7 feet southerly from the northeast corner of said lot 1;

Thence proceeding through said lot 1 as follows: N. 83°02′ W., 182.6 feet; S. 68°49′ W., 209.2 feet; S. 81°36′ W., 239.8 feet; S. 83°38′ W., 608.9 feet; S. 01°20′ W., 716.1 feet; S. 84°09′ E., 497.1 feet; S. 81°50′ E., 700.6 feet; and N. 83°13′ E., 45.9 feet; to a point on the east line of lot 1, 1,597.4 feet southerly from the northeast corner thereof;

Thence proceeding through said Lot 41 as follows: N. 83°13′ E., 215.8 feet; S. 52°33′ E., 221.6 feet; S. 49°20′ E., 748.2 feet; S. 68°38′ E., 430.4 feet; S. 53°03′ E., 388.3 feet; S. 46°32′ E., 197 feet; S. 29°32′ E., 160.3 feet; S. 16°20′ E., 651.4 feet; S. 20°25′ W., 265.1 feet; S. 23°12′ W., 330.4 feet; S. 35°50′ W., 106.2 feet; S. 25°10′ W., 97.3 feet; S. 52°02′ W., 132.5 feet; S. 61°57′ W., 319.9 feet; S. 73°06′ W., 340.9 feet; S. 86°36′ W., 314.4 feet; N. 83°10′ W., 252.8 feet; N. 72°26′ W., 429.5 feet; and N. 70°56′ W., 69.2 feet to a point on the west line of said lot 41, 493.3 feet northerly of the southwest corner thereof;

Thence proceeding through lots 9 and 8 of said sec. 4 as follows: N. 70°56′ W., 458.5 feet; S. 66°30′ W., 345.9 feet; S. 10°58′ W., 191.6 feet; S. 45°33′ W., 330.9 feet; S. 45°57′ W., 371.6 feet; S. 78°51′ W., 181 feet; S. 17°52′ W., 188.9 feet; and S. 86°32′ E., 282.4 feet to the south quarter corner of said sec. 4;

Thence southerly along the east line of lot 1 of sec. 9, T. 55 N., R. 94 W., sixth principal meridian to the southeast corner thereof;

Thence westerly along the east-west centerline of said sec. 9 (south line of lots 1 and 3), to its intersection with the easterly line of the Chicago, Burlington and Quincy Railway Co. right-of-way;

Thence northerly along said easterly right-of-way line through sec. 9 and 4, T. 55 N., R. 94 W., sixth principal meridian, to a point on the north line of said sec. 4, 742.4 feet easterly from the northwest corner thereof;

Thence continuing northerly along said easterly right-of-way line to a point on the south line of the NW¼SW¼ of sec. 33, T. 56 N., R. 94 W., sixth principal meridian, 394.3 feet westerly from the southeast corner thereof;
Thence N. 07°54′ E., 2,663.4 feet to a point 24.7 feet westerly from the northeast corner of the SW¼NW¼ of said sec. 33;
Thence easterly along the north line of said SW¼NW¼ and the north line of lot 4 of said sec. 33 a distance of 478.3 feet;
Thence N. 00°09′ W., 487.4 feet to the south line of lot 44A of T. 56 N., R. 94 W., sixth principal meridian;
Thence westerly along the south line of said lot 44A to the southwest corner thereof;
Thence northerly along the west lines of lots 44A and 45D to the northwest corner of said lot 45D;
Thence westerly along the south line of lot 45B, said township and range, to the southwest corner thereof;
Thence northerly along the west lines of lots 45B and 45A to the northwest corner of said lot 45A;
Thence easterly along the north line of said lot 45A to its intersection with the west line of lot 2 of sec. 28, T. 56 N., R. 94 W., sixth principal meridian;
Thence northerly along the west lines of lot 2, said sec. 28 and lot 6 of sec. 21, said township and range (west line of said secs. 28 and 21) to the south line of lot 47C of said township and range;
Thence westerly along the south line of said lot 47C to the southwest corner thereof;
Thence northerly along the west line of lot 47C to the northwest corner thereof, being also the southeast corner of lot 4 of sec. 20, said township and range;
Thence westerly along the south line of said lot 4 of sec. 20 to the southwest corner thereof;
Thence northerly along the west line of said lot 4 to the northwest corner thereof;
Thence westerly along the south line of lot 2 of said sec. 20 to the southwest corner thereof;
Thence northerly along the west line of said lot 2 and the west line of lot 5 of sec. 17, said township and range, to the south line of lot 58N;
Thence westerly along the south line of said lot 58N to the southwest corner thereof;
Thence northerly along the west line of said lot 58N to the northwest corner thereof;
Thence westerly along the south line of lot 58J, said township and range, to the southwest corner thereof;
Thence northerly along the west line of said lot 58J and lot 58E, said township and range, to the northwest corner of said lot 58E;
Thence westerly along the south line of lot 58C, said township and range, to the southwest corner thereof;
Thence northerly along the west lines of lots 58C, 61C, 61B, and 64B, said township and range, to the northwest corner of said lot 64B;
Thence westerly along the south lines of lots 65E, 65D, and 65C, said township and range, to the southwest corner of said lot 65C;
Thence northerly along the west line of said lot 65C to the northwest corner thereof;
Thence easterly along the north line of said lot 65C to the northeast corner thereof;
Thence northerly along the west line of lot 67B, said township and range, to the northwest corner thereof;
Thence westerly along the south line of lot 68 of T. 56 N., R. 94 W., sixth principal meridian, to its intersection with the northeasterly line of the Chicago, Burlington and Quincy Railway Co. right-of-way;
Thence northwesterly along said right-of-way to its intersection with the west line of said lot 68;
Thence northerly along the west line of said lot 68 to the northwest corner thereof;
Thence westerly along the south line of lot 1 of sec. 1, T. 56 N., R. 95 W., sixth principal meridian, as depicted in the original survey of said township and range, dated January 5, 1884, to the southwest corner of said lot 1;
Thence northerly along the west line of said lot 1 to the northwest corner thereof;
Thence westerly along the north line of lot 2 of said sec. 1 being also the south line of the SE¼SE¼ of sec. 31 of T. 57 N., R. 94 W., sixth principal meridian, to the southwest corner of said SE¼SE¼ of sec. 31;
Thence northerly along the west line of said SE¼SE¼ of sec. 31 to the northwest corner thereof;
Thence easterly along the north line of said SE¼SE¼ of sec. 31 to the northeast corner thereof;
Thence northerly along the west line of sec. 32, said township and range, to the northwest corner thereof;
Thence easterly along the north line of said sec. 32 to the north quarter corner thereof;
Thence northerly along the west line of the S½SE¼ of sec. 29, said township and range, to the northwest corner thereof;
Thence easterly along the north line of said S½SE¼ of sec. 29 to the northeast corner thereof;
Thence northerly along the east line of said sec. 29 and the east line of the SE¼SE¼ of sec. 20, said township and range, to the northeast corner of said SE¼SE¼ of sec. 20;
Thence westerly along the north lines of the S½SE¼ and SE¼SW¼ of said sec. 20 to the northwest corner of said SE¼SW¼;
Thence northerly along the west line of the NE¼SW¼ and the E½NW¼ of said sec. 20 to the north line thereof;
Thence westerly along the north line of said sec. 20 to the northwest corner thereof;
Thence southerly along the east line of sec. 19, said township and range, to the southeast corner of the NE¼NE¼ thereof;
Thence westerly along the south lines of the N½NE¼, NE¼NW¼, and lot 1 of sec. 19, T. 57 N., R. 94 W., sixth principal meridian, and the south line of the N½N½ of sec. 24, T. 57 N., R. 95 W., sixth principal meridian, to the west line of said sec. 24;
Thence northerly along said west line of sec. 24 to the northwest corner thereof;
Thence westerly along the south line of sec. 14, said township and range, to the south quarter corner thereof;
Thence northerly along the east line of the SW¼ of said sec. 14 to the northeast corner thereof;
Thence westerly along the north line of said SW¼ of sec. 14 to the northwest corner thereof;
Thence northerly along the west line of said sec. 14 to the northwest corner thereof;
Thence westerly along the south line of sec. 10, said township and range, to the south quarter corner thereof;
Thence northerly along the north-south centerlines of secs. 10 and 3, T. 57 N., R. 95 W., sixth principal meridian, and sec. 34, T. 58 N., R. 95 W., sixth principal meridian, to the north quarter corner of said sec. 34;
Thence easterly along the north lines of said sec. 34 and sec. 35, said township and range, to the north quarter corner of said sec. 35;
Thence northerly along the north-south centerlines of secs. 26 and 23, said township and range, to the north quarter corner of said sec. 23, said point being on the Montana-Wyoming State line;
Thence westerly along said State line, along the north line of sec. 23, T. 58 N., R. 95 W., sixth principal meridian (Wyoming) and the south line of sec. 34, T. 9 S., R. 28 E., principal meridian (Montana), to the south quarter corner of said sec. 34;
Thence northerly along the north-south centerlines of said sec. 34 and secs. 27 and 22, T. 9 S., R. 28 E., principal meridian, to the center of said sec. 22;
Thence northwesterly along a diagonal line between said center of sec. 22 and the north quarter corner of sec. 4, T. 9 S., R. 28 E., principal meridian;
Thence westerly along the north line of said sec. 4 to the northwest corner thereof;
Thence northerly along the west lines of secs. 33, 28, and 21, T. 8 S., R. 28 E., principal meridian, to the northwest corner of said sec. 21;
Thence easterly along the north line of said sec. 21 to the north quarter corner thereof;
Thence northerly along the north-south centerline of sec. 16, said township and range, to the north quarter corner thereof;
Thence easterly along the north lines of secs. 16, 15, 14, and 13, T. 8 S., R. 28 E., principal meridian, and sec. 18, T. 8 S., R. 29 E., principal meridian, to the northeast corner of said sec. 18;
Thence northerly along the west line of sec. 8, T. 8 S., R. 29 E., principal meridian, to the northwest corner thereof;
Thence easterly along the north line of said sec. 8 to the north quarter corner thereof;
Thence northerly along the north-south centerline of sec. 5, T. 8 S., R. 29 E., principal meridian, to the north quarter corner thereof;
Thence easterly along the line between said sec. 5 and sec. 31, T. 7 S., R. 29 E., principal meridian, to the southeast corner of said sec. 31;
Thence northerly along the east line of said sec. 31 to the east quarter corner thereof;
Thence easterly along the east-west centerline of sec. 32, said township and range, to the east quarter corner thereof;
Thence northerly along the east lines of secs. 32, 29, 20, and 17, to the northeast corner of lot 1 of said sec. 17, said point being on the Big Horn-Carbon County line and on the south boundary of the Crow Indian Reservation;
Thence easterly along said line to its intersection with the 3,675-foot contour lying north of the thread of the Bighorn River;
Thence downstream on said 3,675-foot contour around an unnamed bay in the Yellowtail Reservoir (Bighorn River) to its intersection with the aforesaid Indian reservation boundary and county line;
Thence continuing easterly along said line to its intersection with the 3,675-foot contour lying west of the Yellowtail Reservoir;
Thence downstream along said 3,675-foot contour to its intersection with the east line of sec. 22, T. 6 S., R. 30 E., principal meridian, at the south side of an unnamed arm of Yellowtail Reservoir;
Thence southerly along the east line of said sec. 22 to the east quarter corner thereof;
Thence westerly along the south line of the SE¼SE¼NE¼ of said sec. 22, to the southwest corner thereof;
Thence northerly along the west line of said SE¼SE¼NE¼ of sec. 22 to the northwest corner thereof;
Thence easterly along the north line of said SE¼SE¼NE¼ of sec. 22 to the east line of said sec. 22;
Thence southerly along the east line of said sec. 22 to its intersection with the 3,675-foot contour lying north of the aforesaid unnamed arm of the Yellowtail Reservoir;
Thence downstream along said 3,675-foot contour to its intersection with the west line of sec. 18, T. 6 S., R. 31 W., principal meridian;

Thence northerly along the west line of said sec. 18 to the northwest corner thereof;

Thence easterly along the south line of lot 4 of sec. 7, said township and range, to the southeast corner thereof;

Thence northerly along the east line of said lot 4 to the northeast corner thereof;

Thence easterly along the north line of the SE¼SW¼ and S½SE¼ of said sec. 7 to the east line thereof;

Thence southerly along said east line of sec. 7 to a point 500 feet northerly of the southeast corner thereof;

Thence easterly, parallel to and 500 feet north of the south lines of sec. 8 and 9, said township and range, to a point on the east line of the SW¼SW¼ of said sec. 9;

Thence southerly along the east line of said SW¼SW¼ of sec. 9 to the southeast corner thereof;

Thence easterly along the south line of said sec. 9 to the south quarter corner thereof;

Thence southerly along the north-south centerline of sec. 16, said township and range, to the south quarter corner thereof;

Thence westerly along the north lines of secs. 21, 20, and 19 of said township and range to the northwest corner of the NE¼NE¼ of said sec. 19;

Thence southerly along the west line of the E½NE¼ of said sec. 19 to the southwest corner thereof;

Thence westerly along the south line of the SW¼NE¼ of said sec. 19 to the southwest corner thereof;

Thence southerly along the east line of the NE¼SW¼ of said sec. 19 to the southeast corner thereof;

Thence westerly along the south line of the NE¼SW¼ and lot 6 of said sec. 19 to the west line of said sec. 19;

Thence northerly along the west line of said sec. 19 to its intersection with the 3,675-foot contour lying south of the thread of Big Horn River;

Thence running upstream along said 3,675-foot contour, as it meanders around the southeasterly shore of the Yellowtail Reservoir, to its intersection with the Montana-Wyoming State line, said point being the point of beginning of this description.

The above-described boundary contains 66,676 acres of land and water, more or less.

A map entitled "Bighorn Canyon Recreation Area," numbered 617–92,000, and dated March 1968, depicting the herein-described boundaries, is on file in the Office of the Superintendent, Bighorn Canyon National Recreation Area and in the Office of the National Park Service, Department of the Interior, Washington, D.C.

Any adjustments in the boundary of the area will be made subject to and in accordance with the provisions of the Act of October 15, 1966, referred to above.

Dated: May 15, 1968.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 68-6283; Filed, May 27, 1968; 8:46 a.m.]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calender Year 1968 Among Producers Located in the Virgin Islands

CROSS REFERENCE: For a document issued jointly by the Departments of Commerce and the Interior regarding allocation of duty-free quotas for the calendar year 1968 among producers of watches and watch movements located in the Virgin Islands, see F.R. Doc. 68-6343, Department of Commerce, *infra*.

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 22(68)-1]

AGRARIA S.p.r.l., CORN, FOOD, AND FERTILIZER TRADING CO. AND STEEL TRADING CO.

Notice of Related Party Determinations

In the matter of Agraria S.p.r.l., Corn, Food, and Fertilizer Trading Co., Steel Trading Co., 233 Kortrijksesteenweg, Ghent, Belgium.

An order dated February 24, 1958, was entered by the Office of Export Supply, Bureau of Foreign Commerce (predecessor of the Office of Export Control, Bureau of International Commerce) U.S. Department of Commerce against Andre Gryp, Ghent, Belgium, and another party, denying them all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for the duration of export controls. This order was published in the FEDERAL REGISTER on February 27, 1958 (23 F.R. 1211).

Section 382.1(b) of the Export Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the firms Agraria S.p.r.l., Corn, Food, and Fertilizer Trading Co. and Steel Trading Co., all located at the above address, are related parties to said Andre Gryp. Under this determination the terms and restrictions of the order of February 24, 1958 are effective against said related parties.

The said related parties have been notified of this determination and have been advised that if they contend that the ruling is not justified, they may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: May 21, 1968.

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

[F.R. Doc. 68-6266; Filed, May 27, 1968; 8:45 a.m.]

[File No. 23(67)-13]

JAN A. G. VAN OOSTERUM AND AMECO IMPORT

Order Denying Export Privileges for Indefinite Period

In the matter of Jan A. G. Van Oosterum, 18 Ottostrasse, 75 Karlsruhe-Durlach, Federal Republic of Germany, respondent; Ameco Import, same address, related party.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent is an importer and wholesaler of electronic measuring instruments and electronic components; that from about October 1965 to January 1, 1967, he was part owner and manager of a firm in Karlsruhe, West Germany engaged in the same type of business; that prior to his connection with said firm he personally was the West German distributor for a U.S. manufacturer of temperature controlling and recording equipment. The evidence also shows that the respondent, acting individually and in his capacity of manager of the aforesaid firm, participated in transactions which involved the ordering, receiving, and disposition of U.S.-origin commodities, some of strategic nature. The evidence further shows that respondent had connections with firms in West Germany engaged in distributing electronic equipment to East European countries, including U.S.S.R.

The aforesaid Investigations Division is conducting an investigation under the Export Control Act into the facts and circumstances which led to the ordering by respondent of certain U.S.-origin

equipment and into the facts and circumstances regarding the ordering, receipt, and disposition of certain other U.S.-origin equipment. The said investigation also seeks to ascertain the facts and circumstances regarding respondent's dealings with other foreign parties in U.S.-origin commodities to determine whether violations of the U.S. Export Regulations were involved.

It is impracticable to subpoena the respondent, and relevant and material interrogatories relating to the above matters were served on him pursuant to § 382.15 of the Export Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to said matters. Said respondent has failed to furnish answers to said interrogatories and to furnish the documents requested as required by said section, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 382.15 of the Export Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

The evidence presented shows that the respondent is the owner and operator of the business conducted under the name Ameco Import, Karlsruhe-Durlach, West Germany. I find that said Ameco Import is a related party to respondent within the purview of § 382.1(b) of the Export Regulations. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, and representatives, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. It has been determined that the firm Ameco Import is such a related party.

IV. This order shall remain in effect until the respondent provides responsive answers to the interrogatories heretofore served upon him and furnishes the documents requested therein or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly; (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent and related party.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on May 24, 1968.

Dated: May 21, 1968.

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

[F.R. Doc. 68-6267; Filed, May 27, 1968; 8:45 a.m.]

Business and Defense Services Administration

ALBANY MEDICAL SCHOOL OF UNION UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 68-00543-33-46500. Applicant: The Albany Medical School of Union University, Institute of Experimental Pathology and Toxicology, 47 New Scotland Avenue, Albany, N.Y. 12208. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning a wide variety of tissues at section thickness of 600 Angstroms or less as a part of the multidiscipline investigation of responses of tissues and effects of a wide variety of chemicals. Application received by Commissioner of Customs: April 24, 1968.

Docket No. 68-00548-00-46040. Applicant: Institute for Medical Research, Sheridan and Copewood Streets, Camden, N.J. 08103. Article: Decontamination device for Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for reduction of specimen contamination during high resolution electron microscopy. Application received by Commission of Customs: April 29, 1968.

Docket No. 68-00549-01-77040. Applicant: Colorado State University, Fort

Collins, Colo. 80521. Article: Mass Spectrometer, Model MS–1201. Manufacturer: Associated Electronics Industries, Ltd., United Kingdom. Intended use of article: The article will be used in the following research programs currently being pursued:

(a) Structure determination of organic molecules.

(b) Tracer techniques in biochemical applications.

(c) Geochemistry studies.

(d) Bond strength studies.

(e) Plasma studies.

(f) Instructional purposes for both graduate and undergraduate physical chemistry courses.

Application received by Commissioner of Customs: April 29, 1968.

Docket No. 68–00550–33–46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Electron microscope EM9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for reconstruction of serial section of microscopic objects of biological and medical interest, with particular emphasis on the virus infected mammalian cell. Application received by Commissioner of Customs: April 29, 1968.

Docket No. 68–00551–33–06200. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Blood filter and bubble trap, Model 910/T. Manufacturer: Honeywell Controls, Ltd., United Kingdom. Intended use of article: The article will be used as a blood filter air trap in conjunction with the heart-lung perfusion apparatus in use clinically at the hospital operating room. Application received by Commissioner of Customs: April 29, 1968.

Docket No. 68–00553–33–46040. Applicant: George Washington University, 21st and G Streets NW., Washington, D.C. 20006. Article: Electron microscope, Model EM6B. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for biological research and student training in the following areas:

(a) The relationship of morphology to transparency of the cornea.

(b) Alterations of the corneal stroma in the normal and pathological state.

(c) Structural changes in ocular tissues resulting from photic and other types of injuries.

(d) The movement of ions and water through the layers of the cornea of various aquatic species.

Application received by Commissioner of Customs: April 29, 1968.

Docket No. 68–00554–00–77095. Applicant: The University of Michigan, Purchasing Office, Research Administration Building, Ann Arbor, Mich. 48105. Article: Fabry-Perot etalon plates and quartz spacer. Manufacturer: Optical Surfaces, Ltd., United Kingdom. Intended use of article: The article will be used in a Fabry-Perot spectrometer in order to make airglow measurements of the night sky. Application received by Commissioner of Customs: April 29, 1968.

Docket No. 68–00556–58–71200. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: High vacuum freeze drying unit, Model L140/T. Manufacturer: Dynavac High Vacuum Pty. Ltd., Australia. Intended use of article: The article will be used for the complete drying and freezing of animal tissue in preparation for formaldehyde histochemical technique for the demonstration of active biogenic amines. Application received by Commissioner of Customs: April 30, 1968.

Docket No. 68–00557–01–07500. Applicant: The University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Precision calorimetry system, Model 8700. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to obtain thermochemical data on plutonium and uranium compounds especially intermetallics, fluorides and chlorides. Application received by Commissioner of Customs: April 30, 1968.

Docket No. 68–00558–01–77030. Applicant: University of California, Santa Barbara, Calif. 93106. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60H. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for both the undergraduate and graduate teaching and research programs of the Department of Chemistry. At the undergraduate level the instrument will be used in several laboratory courses for the identification of organic compounds, and by research groups for the study of the rates of conformational equilibria in organic molecules. Application received by Commissioner of Customs: April 30, 1968.

Docket No. 68–00559–33–79200. Applicant: Veterans Administration Hospital, 42d Avenue and Clement Street, San Francisco, Calif. 94121. Article: Electric water still, Type 3. Manufacturer: L.V.D. Scorah, United Kingdom. Intended use of article: The article will be used as the second stage of water purification for use in enzyme isolation and assay. Application received by Commissioner of Customs: May 1, 1968.

Docket No. 68–00560–33–68200. Applicant: The University of Texas, Southwestern Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas, Tex. 75235. Article: Infusion pump, Model Unita I. Manufacturer: B. Braun Co., West Germany. Intended use of article: The article will be used for long-time low-dose infusion of different solutions intravenously into mice for investigations in experimental immunobiology as well as studying the nature and possible treatment of certain immune diseases in experimental conditions. Application received by Commissioner of Customs: May 1, 1968.

Docket No. 68–00561–98–26000. Applicant: Mr. Charles Burress, I.B.E.W. Electrical Workers Educational Training Centre, 1442 Linwood Drive, Salinas, Calif. 93901. Article: Clemenz standard construction device for the theory of electricity, Model EG/ZA/ZT. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for instruction in the basic theory of electricity. Application received by Commissioner of Customs: May 2, 1968.

Docket No. 68–00562–33–46500. Applicant: University of Nebraska, College of Dentistry, 40th and Holdrege Streets, Lincoln, Nebr. 68503. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections needed for studying embryonic tooth development. Application received by Commissioner of Customs: May 2, 1968.

Docket No. 68–00563–33–46500. Applicant: Veterans Administration Hospital, 4801 Linwood Boulevard, Kansas City, Mo. 64128. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for observation in studying pathogenesis of viral infections within cells of animal and tissue culture origin. Application received by Commissioner of Customs: May 2, 1968.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–6290; Filed, May 27, 1968; 8:46 a.m.]

NEW MEXICO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00398–33–46500. Applicant: New Mexico State University, Research Center, Post Office Box 3Y, Las Cruces, N. Mex. 88001. Article: Ultrotome III ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studying the mode of deposition of polymerized silicic acid in biological systems. The method involved in this research requires ultramicrotomy of relatively soft tissue besides the silica which has a hardness close to that of glass for investigation in an electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or

apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Apr. 23, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can meet this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mechanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We, therefore, find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–6292; Filed, May 27, 1968; 8:46 a.m.]

NEW YORK UNIVERSITY MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00400–33–46500. Applicant: New York University Medical Center, 550 First Avenue, New York, N.Y. 10016. Article: Ultrotome III ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for studying the interactions of virus infected cells in relation to cancer. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The purposes for which the foreign article is intended to be used require an ultramicrotome capable of cutting the thinnest possible sections. The foreign article has the capability of cutting sections down to 50 Angstroms (page 6, 1965 catalogue for the "Ultrotome III" ultramicrotome, LKB Produkter AB, Stockholm, Sweden).

The only known comparable domestic ultramicrotome, the Model MT–2 manufactured by Ivan Sorvall, Inc. (Sorvall), has a specified thin-sectioning capability down to 100 Angstroms (page 11, 1966 catalogue for "Porter-Blum" MT–1 and MT–2 ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The lower thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the microscope. (2) For its purposes, the applicant requires an instrument capable of reproducing a series of ultrathin sections with consistant accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) (memorandum dated Apr. 23, 1968) that only an ultramicrotome equipped with a thermal advance (feed) can met this requirement. The foreign article incorporates both a thermal advance for ultrathin sections and a mechanical advance for thicker sections. The Sorvall Model MT–2 is equipped only with a mechanical feed. In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article, HEW advised that ultramicrotomes employing a mehcanical system utilize a gear mechanism and inherent in such mechanisms are backlash and slippage. Hence, in mechanical systems, the variation in thickness and uniformity will be greater than in thermal systems when both are functioning at their best. We therefore find the thermal advance of the foreign article to be pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (page 3 of catalogue on "Ultrotome III"), whereas no equivalent device is specified for the Sorvall Model MT–2. The capability of accurately measuring the knife-angle setting is pertinent because the angle at which the knife enters the specimen determines the thickness of the section.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 68–6291; Filed, May 27, 1968; 8:46 a.m.]

Office of the Secretary

[Dept. Order 90–B]

NATIONAL BUREAU OF STANDARDS

Organization and Functions

The following material supersedes the material appearing at 31 F.R. 8083 of June 8, 1966; 31 F.R. 8961 of June 29, 1966; 32 F.R. 6529 of April 27, 1967; 32 F.R. 11811 of August 16, 1967; and 33 F.R. 4640 of March 16, 1968.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the National Bureau of Standards.

SEC. 2. *Organization.* The organization structure and line of authority of the National Bureau of Standards shall be as depicted in the attached organization chart.

SEC. 3. *Office of the Director.* .01 The Director determines the policies of the Bureau and directs the development and execution of its programs.

.02 The Deputy Director assists the Director in the direction of the Bureau, with particular regard to planning and internal coordination of its programs, and performs the functions of the Director in the latter's absence. The Center for Radiation Research and the following technical support units report directly to the Deputy Director: The Office of Technical Information and Publications, the Library Division, the Instrument Shops Division, and the Measurement Engineering Division.

SEC. 4. *Special Staff units.* .01 The Office of Academic Liaison serves as the focal point for the Bureau's cooperation with the academic institutions, and serves as liaison office for cooperative research activities between the Bureau and other Government agencies.

.02 The Office of Industrial Services examines the needs for joint industry-NBS research activities; recommends how NBS research results may best be transmitted for utilization in industry and commerce; promotes cooperative research by industry for the solution of its technical problems; and develops the Research Associate Program.

.03 The Office of Engineering Standards Liaison provides liaison between the National Bureau of Standards and engineering standards bodies, both domestic and international; evaluates effectiveness of NBS engineering standards activities; and develops recommendations for engineering standards policy and legislation.

.04 The Office of Public Information conducts the public information activities of the Bureau, including coordination of relations with the general press, and policy guidance for inquiry service for the general public, exhibits, tours, and informational films programs.

.05 The Legal Adviser provides necessary legal advice and assistance, subject to the technical supervision of the Office of the General Counsel.

SEC. 5. *Office of Program Development and Evaluation.* The Office of Program Development and Evaluation undertakes studies, research, investigations and other related activities to provide guidance to the Director on developing and maintaining an optimal relationship between the Bureau's programs and the changing needs of American science and industry.

SEC. 6. *Office of the Associate Director for Administration.* .01 The Associate Director for Administration is the principal assistant and adviser to the Director on management matters and is responsible for the conduct of administrative management functions, including the management of NBS buildings, plants, and nonscientific facilities. He carries out these responsibilities primarily through the organization units specified below, which are under his direction.

.02 The Accounting Division administers the official system of central fiscal records, payments and reports, provides test administration service, and provides staff assistance on accounting and related matters.

.03 The Administrative Services Division has responsibility for security, safety, emergency planning, and civil defense activities; provides mail, messenger, communications, duplicating, and related office services; manages use of auditorium and conference rooms; and operates an NBS records holding area.

.04 The Budget Division provides advice and assistance to line management in the preparation, review, presentation, and execution of the Bureau's budget; interprets regulations and develops budgetary policy and procedures; provides assistance in integrating program planning with the budgetary process; assists in solving budget and financing problems; designs procedures for the administrative control of funds; performs continuing reviews of the status of funds and program accomplishment in relation to fiscal plans; assures adherence to fiscal limitations on the use of resources; reviews user charges for adequacy and conformance to policy and regulations; and executes agreements for obtaining advance payments and reimbursements.

.05 The Management and Organization Division conducts or participates in surveys and studies to improve organization, procedures, and management practices; provides assistance in developing Bureau-wide management policies; develops and coordinates cost reduction and work measurement programs; advises on administrative requirements of technical programs; participates in organization planning and documentation; coordinates and reviews material for filing in the FEDERAL REGISTER; maintains the directives system; conducts a records management program including the development of policy, procedures, and standards; provides training in records management; and performs reports and forms management functions.

.06 The Personnel Division advises on personnel policy and utilization, and administers recruitment, placement, classification, employee development, and employee relations activities, and assists operating officials on these and other aspects of personnel management.

.07 The Plant Division maintains the physical plant at Gaithersburg, Md., and performs staff work in planning and providing grounds, buildings, and improvements at other Bureau locations.

.08 The Supply Division performs or facilitates the procurement and distribution of material, keeps records and promotes effective utilization of property, acts as the contracting office for all research, construction, supply and lease contracts entered into by the Bureau, and administers communication services.

SEC. 7. *Technical support units reporting to the Deputy Director.* The functions of the technical support units reporting to the Deputy Director are:

a. The Office of Technical Information and Publications fosters the outward communication of the Bureau's scientific findings and related technical data to science and industry through reports, articles, conferences and meetings, films, correspondence, and other appropriate mechanisms; and assists in the preparation, scheduling, printing, and distribution of Bureau publications.

b. The Library Division furnishes diversified information services to the staff of the Bureau, including conventional library services, bibliographic, reference, and translation services; and serves as a reference and distribution center for Congressional legislative materials and issuances of other agencies.

c. The Instrument Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment.

d. The Measurement Engineering Division serves the Bureau in an engineering consulting capacity in measurement technology. It provides technical advice and apparatus development supported by appropriate research, especially in electronics and in the combination of electronics with mechanical, thermal, and optical techniques.

SEC. 8. *Center for Radiation Research.* .01 The Center for Radiation Research constitutes a prime resource within the Bureau for the application of radiation, not only to Bureau mission problems, but also to those of other agencies and other institutions. The resulting multipurpose and collaborative type functions reinforce the capability of the Center for response to Bureau mission problems.

.02 The Director, Center for Radiation Research, directs the development, execution, and evaluation of the programs of the Center. The Deputy Director, Center for Radiation Research, assists in the direction of the Center and performs the functions of the Director in the absence of the latter.

.03 The organizational units of the Center for Radiation Research are as follows:

Reactor Radiation Division.
Linac Radiation Division.
Nuclear Radiation Division.
Applied Radiation Division.

Each of these Divisions engages in research, measurement, and application of radiation to the solution of Bureau and other institutional problems, primarily through collaboration.

SEC. 9. *Institute for Basic Standards.* .01 The Institute for Basic Standards provides the central basis within the United States of a complete and consistent system of physical measurement; coordinates that system with measurement systems of other nations; and furnishes essential services leading to accurate and uniform physical measurements throughout the nation's scientific community, industry, and commerce.

.02 The Office of the Director.

a. The Director, Institute for Basic Standards, directs the development, execution, and evaluation of the programs of the Institute.

b. The Deputy Director, Institute for Basic Standards, assists in the direction of the Institute and performs the functions of the Director in the latter's absence.

c. The Deputy Director, Institute for Basic Standards/Boulder, assists in the direction of the Institute's programs at Boulder and reports to the Associate Director for Administration through the

Director, IBS, in supervising the administrative support units at Boulder.

d. The administrative support units reporting to the Deputy Director, Institute for Basic Standards/Boulder provide administrative guidance, technical and public information services, physical facilities, management planning, financial management, and related technical and administrative services for the NBS organization at Boulder, Colo. The administrative support units are also responsible for servicing, as needed, Environmental Science Services Administrative units at Boulder, Colo., and for appropriate field stations of the Boulder organizations of NBS and ESSA.

.03 The Office of Standard Reference Data administers the National Standard Reference Data System which provides critically evaluated data in the physical sciences on a national basis. This requires arrangement for the continuing systematic review of the national and international scientific literature in the physical sciences, the evaluation of the data it contains, the stimulation of research needed to fill important gaps in the data, and the compilation and dissemination of evaluated data through a variety of publication and reference services tailored to user needs in science and industry.

.04 The other organization units of the Institute for Basic Standards are as follows:

Applied Mathematics Division.
Electricity Division.
Mechanics Division.
Heat Division.
Atomic Physics Division.
Metrology Division.
Cryogenics Division (Boulder, Colo.).
Laboratory Astrophysics Division (Boulder, Colo.).
Radio Standards Physics Division (Boulder, Colo.).
Radio Standards Engineering Division (Boulder, Colo.).
Time and Frequency Division (Boulder, Colo.).

a. Each division except the Applied Mathematics Division engages in such of the following functions as are appropriate to the subject matter field of the division title:

1. Develop and maintain the national standards for physical measurement, develop appropriate multiples and submultiples of prototype standards, and develop transfer standards and standard instruments;

2. Determine important fundamental physical constants which may serve as reference standards, and analyze the self-consistencies of their measured values;

3. Conduct experimental and theoretical studies of fundamental physical phenomena of interest to scientists and engineers with the general objective of improving or creating new measurement methods and standards to meet existing or anticipated needs;

4. Conduct general research and development on basic measurement techniques and instrumentation, including research on the interaction of basic measuring processes on the properties of matter and physical and chemical processes;

5. Calibrate instruments in terms of the national standards, and provide other measurement services to promote accuracy and uniformity of physical measurements;

6. Correlate with other nations the national standards and definitions of the units of measurement; and

7. Provide advisory services to Government, science, and industry on basic measurement problems.

b. The Applied Mathematics Division conducts research in various fields of mathematics important to physical and engineering sciences, automatic data processing, and operations research, with emphasis on statistical, numerical, and combinatorial analysis and mathematical physics; provides consultative services to the Bureau and other Federal agencies; and develops and advises on the use of mathematical tools, in checking mathematical tables, handbooks, manuals, mathematical models, and computational methods.

c. Boulder Support Units:

1. The Administrative Services Division performs procurement, property management, office services (including security), and functions as delegated by the Director, which are necessary to the adequate support of the NBS and ESSA activities at Boulder, Colo., and their associated field stations.

2. The Instrument Shops Division designs, constructs, and repairs precision scientific instruments and auxiliary equipment for the NBS and ESSA activities at Boulder, Colo.

3. The Plant Division operates and maintains the physical facilities at the Boulder, Colo., Laboratories; and plans alterations and expansion of physical facilities as required by NBS and tenant agencies.

SEC. 10. *Institute for Materials Research.* .01 The Institute for Materials Research assists and stimulates industry in the development of new and improved products by supplying increased understanding of basic properties of materials; develops criteria by which the performance characteristics of basic materials may be evaluated; and develops, produces, and distributes standard reference materials which provide a basis for comparison of measurements on materials and aid in the control of production processes in industry.

.02 The Director, Institute for Materials Research, directs the development, execution, and evaluation of the programs of the Institute. The Deputy Director, Institute for Materials Research, assists in the direction of the Institute and performs the functions of the Director in the latter's absence.

.03 The Office of Standard Reference Materials evaluates the requirements of science and industry for carefully characterized reference materials, stimulates the Bureau's efforts to develop methods for production of needed reference materials and directs their production and distribution.

.04 The other organizational units of the Materials Research Institute are as follows:

Analytical Chemistry Division.
Polymers Division.
Metallurgy Division.
Inorganic Materials Division.
Physical Chemistry Division.

Each division engages in such of the following functions as are appropriate to the subject matter field of the division title:

a. Conduct research on the chemical and physical constants, properties, constitution, and structure of matter;

b. Devise and improve methods for the preparation, purification, analysis, and characterization of materials;

c. Investigate fundamental chemical, metallurgical, and physical phenomena of importance to science and industry, such as fatigue and fracture, crystal growth and imperfections, stress corrosion, etc.;

d. Develop techniques for measurement of the properties of materials under carefully controlled conditions extending to the extremes of high and low temperature and pressure, and exposure to different types of radiation;

e. Assist in the development of standard methods and equipment for testing materials;

f. Conduct research and develop methodology leading to the production of standard reference materials, and produce these materials; and

g. Provide advisory services to Government, science, and industry on basic materials problems.

SEC. 11. *Institute for Applied Technology.* .01 The Institute for Applied Technology provides technical services to promote the use of available technology and to facilitate technological innovation in industry and Government. The Institute also maintains cooperation with public and private organizations leading to the development of technological standards (including mandatory safety standards), codes, and methods of test; and provides technical advice and services to Government agencies upon request in (1) technical analysis, simulation, and appraisal concerning the achievement of increased cost-effectiveness, including operations research and benefit-cost analysis; and in (2) the design of information systems and the utilization of automatic data processing.

.02 The Director, Institute for Applied Technology, directs the development, execution, and evaluation of the programs of the Institute. The Deputy Director, Institute for Applied Technology, assists in the direction of the Institute and performs the functions of the Director in the latter's absence.

.03 The Clearinghouse for Federal Scientific and Technical Information provides a single point of contact in the Federal Government through which current research efforts and the results of Government-sponsored research in science and technology are made available to industry, commerce, and the general public, and provides for a central service for the translation of foreign and technical documents.

.04 The Center for Computer Sciences and Technology conducts research and provides technical services to the Administrator of General Services (with

respect to his responsibilities under Public Law 89–306) and to other Government agencies on request, designed to aid in improving cost effectiveness in the conduct of their program through the selection, acquisition, and effective utilization of automatic data processing equipment. Functions of the organization units of the Center are:

a. The Director is responsible for establishment of operating policy, planning, coordination, and direction of all the functions and responsibilities assigned to the Center. The Deputy and Technical Director assists the Director in the direction of the Center, with particular regard to planning and internal coordination of its programs, and performs the functions of the Director in the latter's absence.

b. The Office for Information Processing Standards administers and coordinates all activities involved in the development, testing, and coordination of proposed standards in the field of information processing, including preparation of recommendations to foster the general use of approved standards throughout the Government.

c. The Technical Information Exchange functions as a specialized information center on computer sciences and technology which provides a referral service for the formal literature and a reference service for the informal literature and related materials such as general use computer programs; serves as a repository for source material for case histories and for the complete record of ADP standardization efforts by the American Standards Association, International Standards Organization and the Federal Government; and assists in the preparation of special technical summaries and state-of-the-art reports.

d. The Computer Services Division provides computing and data conversion services to NBS and other agencies on a reimbursable basis, together with the supporting problem analysis and computer programing, as required; and develops recommendations for methods of measuring and improving the effectiveness with which computers are selected and used by Federal agencies.

e. The Systems Research and Development Division conducts investigations into advanced concepts for the development, organization, and implementation of systems dependent upon available computers, including the innovation or extension of those techniques needed for the design of advanced prototype systems.

f. The Information Processing Technology Division conducts research and development and collaborates thereon with other Federal agencies in selected areas of information processing technology and related disciplines to improve methodologies and to permit the matching of developing needs with new or improved techniques and tools; as directed, makes available central research facilities in support of the research and development responsibilities of the Center.

.05 The Manager, Engineering Standards plans and administers the programs of the Office of Weights and Measures and the Office of Engineering Standards Services and participates in the formulation of policy with respect to engineering standards activities.

a. The Office of Weights and Measures provides technical assistance to the States with regard to model laws and technical regulations, and to the States, business, and industry in the areas of testing, specifications, and tolerances for weighing and measuring devices, the design, construction, and use of standards of weight and measure of associated instruments, and the training of State and local weights and measures officials. The office includes the Master Railway Track Scale Depot, Clearing, Ill.

b. The Office of Engineering Standards Services cooperates with and assists producers, distributors, users and consumers of products, and agencies of the Federal, State and local governments in the development of standards for products (these functions are performed through the Product Standards Program); develops safety standards required by statute; conducts appropriate sampling, testing and evaluation; and provides information services with respect to engineering standards public and private.

.06 The Office of Invention and Innovation analyzes the effect of Federal laws and policies (e.g., tax, antitrust, and regulatory policies) on the national climate for invention and innovation; undertakes studies in related areas with other agencies; and assists and encourages inventors through inventors' services and programs, including cooperative activities with the States.

.07 The Office of Vehicle Systems Research, as mutually agreed upon by the National Bureau of Standards and the National Highway Safety Bureau, performs for the National Highway Safety Bureau, or under contract or grant obtains the performance of, the research, development, testing and evaluation necessary to provide the technical basis for Federal safety standards for motor vehicles and motor equipment; develops methods of testing to determine compliance with these standards; and performs other related services.

.08 The Building Research Division develops criteria for performance standards of building products, structures, and systems; and cooperates with industry, other Government agencies, and the professional associations of the industry in the development of standards and measurement.

.09 The Electronic Instrumentation Division develops criteria for the evaluation of products and services in the general field of electronic instrumentation; cooperates with appropriate public and private organizations in identifying needs for improved technology in this field; and cooperates in the development of standards, codes and specifications. Further, it applies the technology of electronic instrumentation to the development of methods of practical measurement of physical quantities and properties of materials.

.10 The Technical Analysis Division conducts benefit-cost analyses and other basic studies required in planning and carrying out programs of the Institute. This includes the development of simulations of industrial systems and of Government interactions with industry, and the conduct of studies of alternative Institute programs. On request, the Division provides similar analytic services for other programs of the Department of Commerce, in particular those of the science-based bureaus, and, as appropriate, for other agencies of the Executive Branch.

.11 The Product Evaluation Division develops measurement techniques and test methods for evaluating the performance of technological materials and for determining their properties; establishes and maintains standard reference materials for rubber and paper; cooperates in standardizing activities with Government agencies and with national and international organizations; and conducts for other Government agencies research and evaluations on technological materials of specific interest to them.

.12 The National Bureau of Standards—General Services Administration Test and Development Division develops new test methods and conducts testing on specified commodities for the General Services Administration and the Government of the District of Columbia; and provides a capability for conducting systematic and intensive tests and studies of devices, systems, and methods which will lead to more effective purchases at lower costs.

Effective date: May 15, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68–6293; Filed, May 27, 1968; 8:46 a.m.]

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1968 Among Producers Located in the Virgin Islands

On January 4, 1968, the Departments of the Interior and Commerce published a Joint Notice setting out the formula for allocation of 1968 calendar year quotas for duty-free entry into the customs territory of the United States of watches and watch movements assembled in the Virgin Islands and in Guam. (33 F.R. 304; Jan. 9, 1968). This notice provided that annual quotas for calendar year 1968 would be allocated as soon as practicable after April 1, 1968, on the basis of the number of units assembled by each firm in the particular territory and entered by it duty-free into the customs territory of the United States during calendar year 1967, and the total dollar amount of wages subject to FICA taxes paid by such firm in the particular territory during calendar year 1967 which were attributable to its watch operation. In making allocations under this formula, equal weight was assigned to production and shipment history, and to wages subject to FICA taxes.

As a temporary measure, pending announcement of final statistics to be issued by the U.S. Tariff Commission on total apparent United States watch consumption during 1967 and the verification of data submitted in support of individual quota applications, initial 1968 calendar year quotas were allocated to eligible producers that received a duty-free watch quota allocation for calendar year 1967.

On March 27, 1968, the 15 applicants producing watches and watch movements in the Virgin Islands to which an initial quota allocation had been made were advised that representatives of the two Departments would be in the Virgin Islands beginning on the week of April 8 to verify the data submitted. The verification which is now completed indicated that firms had been accurate in reporting the number of units which were entered into the customs territory of the United States during calendar year 1967. Inconsistencies, however, occurred in reporting wages subject to FICA taxes paid by some firms during calendar year 1967 which were attributable to watch operations in the Virgin Islands. These inconsistencies were largely due to the inclusion of wages in excess of the maximum $6,600 taxable as FICA wages and the inclusion of wages paid to individuals whose services were not attributable to watch operations in the Virgin Islands.

Any watches and watch movements entered duty-free into the customs territory of the United States on or after January 1, 1968, are to be deducted from the following allocations which are issued for the full calendar year 1968. Adjustments have been made reflecting verification of the data submitted by individual applicants; however, the quotas announced are subject to possible reduction or revocation in the case of those firms which failed to enter into the customs territory of the United States at least 30 percent of their initial quota on or prior to April 1, 1968. Such firms will be notified in the near future of any action the Departments propose to take based on their failure to meet this requirement. The quota allocated to Virgiline Watch Co., Inc. was made pursuant to a petition for relief on the grounds of extraordinary circumstances, following a transfer of control over the management of the firm approved by the Departments.

VIRGIN ISLANDS

	Name of Firm	*Number of Units*
1.	Admiral Time Inc	226,069
2.	Antilles Industries, Inc	465,003
3.	Atlantic Time Products Corp	369,592
4.	Belair Time Corp	257,343
5.	Belmont Industries	110,514
6.	Master Time Co., Ltd	212,032
7.	Quality Products Co., Inc	443,247
8.	Roza Watch Corp	298,532
9.	R. W. Summers Time Corp	196,992
10.	Standard Time Corp	686,282
11.	Sussex Watch Corp	80,851
12.	Unitime Corp	495,105
13.	Virgiline Watch Co., Inc	25,000
14.	Virgo Corp	231,570
15.	Watches, Inc	110,618

These quotas may be adjusted at any time during this calendar year in the event it becomes apparent that shipments through December 31, 1968, by any firm will be less than 80 percent of the number of units allocated to it. The adjusted quotas for firms located in Guam will be announced in the near future, as soon as the verification of the data submitted by these firms has been accomplished.

LAWRENCE C. MCQUADE,
Assistant Secretary for Domestic and International Business, Department of Commerce.

HARRY R. ANDERSON,
Assistant Secretary for Public Land Management, Department of the Interior.

MAY 23, 1968.

[F.R. Doc. 68-6343; Filed, May 27, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DRUGS FOR HUMAN USE

Drug Efficacy Study Implementation Announcement Regarding Protamine Sulfate Antihemorrhagic Preparations

The Food and Drug Administration has reviewed and evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following protamine-type antihemorrhagic preparations:

1. Protamine sulfate injection; ampoules, 10 milligrams per milliliter; manufactured by Eli Lilly & Co., Indianapolis, Ind. 46206.

2. Desiccated protamine sulfate sterile powder; 50 milligrams per vial; manufactured by The Upjohn Co., Kalamazoo, Mich. 49002.

The Food and Drug Administration concurs in the conclusions of the Academy that these drugs are effective only as antidotes for heparin overdosage.

Supplements are invited to revise the labeling provided for in the new-drug applications covering the above-listed preparations to limit the claims and present the conditions of use substantially as follows:

Actions. Protamines are rich in arginine and are strongly basic; this property accounts for the antiheparin effect. Protamine combines with the strongly acidic heparin to form a stable salt with loss of anticoagulant activity. Protamine itself has an anitcoagulant effect.

Indication. Antidote to heparin overdosage.

Precautions. When protamine sulfate is administered, it should be given slowly (in 1 to 3 minutes), intravenously, in doses not exceeding 50 milligrams in any 10-minute period; facilities to treat shock should be available.

Protamine sulfate can be inactivated by blood, and when it is used to neutralize large doses of heparin, a heparin "rebound" may be encountered. This complication is treated by additional protamine injections as needed.

Adverse reactions. Intravenous injections of protamine may cause a sudden fall in blood pressure, bradycardia, dyspnea, or transitory flushing.

Dosage and administration. Protamine sulfate is for intravenous administration only. It should be given intravenously very slowly—no more than 50 milligrams over 10-minute periods. The usual dose is 1.0 to 1.5 milligrams, which has been shown clinically to antagonize 78–95 units of heparin. If administered within 30 minutes after a dose of heparin, only 0.5 milligram of protamine sulfate is required to antagonize each 78–95 units of heparin. (For powder, include instructions for preparation of injection from sterile powder.)

The holders of new-drug applications for the drugs listed above have been mailed a copy of the NAS–NRC report together with a copy of the labeling conditions in this announcement. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the drugs listed in this announcement or any other interested person may obtain a copy of the NAS–NRC report by writing to Food and Drug Administration Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

The Commissioner of Food and Drugs invites all holders of new-drug applications for the drugs listed, as well as any interested person or persons who may be adversely affected regarding this announcement, to meet informally with officials of the Food and Drug Administration to discuss any medical matters relating to the conclusions and labeling for the subject drugs.

For this purpose a meeting will be held at 10 a.m., in Room 207, Crystal Plaza No. 5, 2211 Jefferson Davis Highway, Arlington, Va., on July 1, 1968.

Persons desiring to attend such meeting should notify the agency in advance by writing to the Special Assistant for Drug Efficacy Study Implementation, Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

Any written comments regarding this announcement may be addressed to the Special Assistant for Drug Efficacy Study Implementation at the above address. Comments concerning medical matters or labeling intended for discussion at the meeting should be received no later than 20 days before the scheduled meeting date.

This notice is issued pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050–53, as amended, 1055; 21 U.S.C. 352, 355, 371(a)) and delegated to the Commissioner (21 CFR 2.120).

Dated: May 21, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-6308; Filed, May 27, 1968; 8:47 a.m.]

DRUGS FOR HUMAN USE

Drug Efficacy Study Implementation Announcement Regarding Blood Preserving Solutions in Plastic or Coated Apparatus

The Food and Drug Administration has reviewed and evaluated a number of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on new-drug applications for the following blood collecting units with preserving solutions for whole blood stored in plastic apparatus or coated apparatus:

1. Solutions ACD (anticoagulant acid citrate dextrose solution), manufactured by Don Baxter, Inc., Glendale, Calif. 91201.

2. EDTA Platelet-pack (containing disodium edetate, sodium chloride), manufactured by Baxter Laboratories, Inc., Morton Grove, Ill. 60053.

3. Panheprin (containing sodium heparin), manufactured by Abbott Laboratories, North Chicago, Ill. 60064.

4. Pliapak (containing anticoagulant acid citrate dextrose solution A), manufactured by Abbott Laboratories, North Chicago, Ill. 60064.

5. Saftiflex (containing anticoagulant acid citrate dextrose solution A, solution B, or sodium heparin), manufactured by Cutter Laboratories, Berkeley, Calif. 94710.

6. Transfuso and Sera Vac (containing anticoagulant acid citrate dextrose solution B), manufactured by Baxter Laboratories, Inc., Morton Grove, Ill. 60053.

7. Transfuso Vac (containing sodium heparin, sodium chloride), manufactured by Baxter Laboratories, Inc., Morton Grove, Ill. 60053.

8. Fenwal Blood Pack (containing anticoagulant acid citrate dextrose solution A), manufactured by Baxter Laboratories, Inc., Morton Grove, Ill. 60053.

The Food and Drug Administration concurs in the conclusions of the Academy that these drugs in the specific equipment provided for are effective. Accordingly, the new-drug applications for the above-listed drugs that became effective on the basis of safety are considered approved also on the basis of effectiveness.

The subject articles are composed of solutions in contact with plastic material or with apparatus coated with a silicone material. The Food and Drug Administration recognizes the variables encountered in the composition and manufacture of such equipment and the inherent dangers that may result directly or indirectly from the plastic or coating material through such factors as leaching, vapor transmission, migration, or adsorption. Accordingly, blood collecting units in which solutions are stored in plastic apparatus or in apparatus coated with silicone or other material are regarded as new drugs.

The holders of previously approved applications are herewith exempted, pursuant to § 130.35(i) of the new-drug regulations (21 CFR 130.35(i)), from the annual reporting requirements of §§ 130.35(e) and 130.13(b)(4) (21 CFR 130.35(e), 130.13(b)(4)).

This announcement is published (1) to inform the holders of new-drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles may be marketed provided they are the subject of approved new-drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502 (a), (f), 505, 701(a), 52 Stat. 1041–42, as amended, 1050–53, as amended, 1055; 21 U.S.C. 321(p), 352 (a), (f), 355, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 21, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-6310; Filed, May 27, 1968; 8:47 a.m.]

UNION CARBIDE CORP.

Notice of Withdrawal of Petition Regarding Pesticides

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

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the pesticide regulations (21 CFR 120.8), the Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25309, has withdrawn its petition (PP 8F0629), notice of which was published in the FEDERAL REGISTER of August 25, 1967 (32 F.R. 12409), proposing the establishment of tolerances for residues of the herbicide that is 80 percent 3,4-dichlorobenzyl methylcarbamate and 20 percent 2,3-dichlorobenzyl methylcarbamate, in or on garlic at 0.15 part per million and in or on beans, peanuts, peas, potatoes, and soybeans at 0.1 part per million.

Dated: May 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-6309; Filed, May 27, 1968; 8:47 a.m.]

2,4-DICHLOROPHENYL *p*-NITROPHENYL ETHER

Notice of Extension of Temporary Tolerances

The Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, was granted temporary tolerances for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, collards, kale, mustard greens, and turnip greens at 0.75 part per million and alfalfa and sugar beets at 0.05 part per million. Permanent tolerances were subsequently established regarding broccoli, brussels sprouts, cabbage, and cauliflower. The temporary tolerances for the remaining commodities expired on February 9, 1968.

The petitioner has requested a 1-year extension of the temporary tolerances regarding the remaining commodities carrots, celery, collards, kale, mustard greens, and turnip greens at 0.75 part per million and alfalfa and sugar beets at 0.05 part per million. The Commissioner of Food and Drugs has determined that such extension of the temporary tolerances will protect the public health.

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

These temporary tolerances expire February 9, 1969.

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

Dated: May 20, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-6311; Filed, May 27, 1968; 8:47 a.m.]

2,4-DICHLOROPHENYL *p*-NITROPHENYL ETHER

Notice of Establishment of Temporary Tolerances

Notice is given that at the request of the Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, temporary tolerances are established for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on rice straw at 0.5 part per million and in or on rice at 0.1 part per million. The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

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

These temporary tolerances expire May 20, 1969.

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

Dated: May 20, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-6312; Filed, May 27, 1968; 8:47 a.m.]

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

Notice of Establishment of Temporary Tolerances

Notice is given that at the request of of the Uniroyal Chemical Division, Uniroyal, Inc., Bethany, Conn. 06525, temporary tolerances are established for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on raw agricultural commodities as follows:

7 parts per million in or on grapes and peaches.

3 parts per million in or on pears and plums (fresh prunes).

0.5 part per million (negligible residue) in or on almonds and walnuts.

The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

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

These temporary tolerances expire May 21, 1969.

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

Dated: May 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-6313; Filed, May 27, 1968; 8:47 a.m.]

5,6-DICHLORO-1-PHENOXYCARBONYL-2-TRIFLUOROMETHYLBENZIMIDAZOLE

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Fisons Corp., 51 Eames Street, Wilmington, Mass. 01887, a temporary tolerance is established for residues of the insecticide 5,6-dichloro-1-phenoxycarbonyl-2-trifluoromethylbenzimidazole in or on apples at 0.75 part per million.

The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the insecticide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Fisons Corp. name.

This temporary tolerance expires May 21, 1969.

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

Dated: May 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-6314; Filed, May 27, 1968; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated May 16, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-40 to Metropolitan Edison Co. for the construction of a pressurized water nuclear reactor, designated as the Three Mile Island Nuclear Station to be located at Metropolitan Edison Co.'s site on Three Mile Island in the Susquehanna River in Londonderry Township, Dauphin County, Pa., approximately 10 miles southeast of Harrisburg, Pa.

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

Dated at Bethesda, Md., this 18th day of May 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-6288; Filed, May 27, 1968; 8:46 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REPORTING AND RECORDKEEPING REQUIREMENTS FOR PRIVATE EMPLOYMENT AGENCIES

Policy Statement

MAY 23, 1968.

1. Pursuant to the authority of section 709(c), Title VII, Civil Rights Act of 1964, the Commission has adopted certain reporting and recordkeeping requirements for employers, joint labor-management apprenticeship committees and labor organizations covered by the title. See §§ 1602.7 through 1602.29, Chapter XIV, Title 29, Code of Federal Regulations.

2. Employment agencies as defined in section 701(c), other than those State or local agencies receiving Federal assistance, heretofore have not been subject to such regulations except in their capacity as employers.

3. The significant role played by private employment agencies in the hiring process is well recognized. Acceptance by private employment agencies of discriminatory job orders appears to be a widespread practice throughout the United States, more than 3 years after the enactment of Title VII which prohibits such practices, as indicated, for example, by the record of the Commission's New York City Hearings on Discrimination in White Collar Employment. The Commission has found that there is insufficient information about the referral and other practices of these agencies to permit it to fulfill its statutory responsibilities to seek to eliminate discrimination therein, as evidenced, among other ways, by the failure to reject illegal job orders.

4. Accordingly it is the policy of the Commission to propose for adoption, pursuant to section 709(c) and to the Federal Reports Act of 1942, appropriate reporting and/or recordkeeping regulations covering private employment agencies subjet to Title VII. The staff is directed to proceed with the development of such regulations in consultation with the industry, other governmental agency representatives, and other interested parties. Public hearings will be held at an appropriate time to consider the regulations thus developed.

CLIFFORD L. ALEXANDER, Jr.,
Chairman.

[F.R. Doc. 68-6326; Filed, May 27, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-525]

INTERIM BASIC PLAN FOR AERONAUTICAL INDUSTRY EMERGENCY COMMUNICATIONS

Approval of Plan

MAY 21, 1968.

The Aeronautical Industry's interim basic plan for operation during national and local emergency conditions has been approved by the Federal Communications Commission. Prepared under provisions of Executive Order 11092, which delegates emergency preparedness functions to the Commission, the Interim Basic Aeronautical Communications Emergency Plan (AEROCEP) provides for use of Aeronautical industry facilities and personnel, on a voluntary basis, in an emergency communications system.

The interim basic plan was prepared by a working group of the Aeronautical Communications Services Subcommittee of the Commission's National Industry Advisory Committee (NIAC). All interested Government departments and agencies concurred in the proposal.

A final basic plan will be issued following revisions and refinements of the Interim Plan on the basis of operating experience.

Development of detailed regional and local emergency communications plans is now underway. When completed they will become the operational portion of

AEROCEP. Aeronautical companies wishing to participate in AEROCEP may forward their emergency communications requirements, together with a listing of the emergency communications facilities they can make available in emergencies as part of the plan, to the Executive Secretary, NIAC, Federal Communications Commission, Washington, D.C. 20554. This information should be forwarded to arrive no later than June 30, 1968.

The Interim Basic AEROCEP will be distributed to interested organizations, firms, and individuals.

Action by the Commission May 15, 1968, by order, Commissioners Bartley (Acting Chairman), Lee, Cox, Wadsworth, and Johnson.

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

[F.R. Doc. 68-6318; Filed, May 27, 1968; 8:48 a.m.]

[Docket No. 18188; FCC 68-529]

EASTERN CALIFORNIA BROADCASTING CORP.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Eastern California Broadcasting Corp., Bishop, Calif., Docket No. 18188, File No. BP-16983; Requests: 600 kc, 1 kw, Day; for construction permit.

1. The Commission has before it for consideration (a) the above-captioned and described application; (b) a petition to deny the application filed by Southeastern Sierra Broadcasting Corp. (hereinafter, petitioner or KIBS), licensee of Stations KIBS and KIBS-FM, Bishop, Calif.; and (c) pleadings in opposition and reply thereto.

2. Petitioner claims standing as a party in interest on the ground that as licensee of Bishop's only existing AM and FM facilities it would suffer substantial economic injury should the applicant's proposal for a second standard broadcast station in Bishop be granted. The Commission finds that petitioner does have such standing within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. Petitioner's request that the application be designated for hearing is based on two contentions. First, it is argued that there are not sufficient revenues available in the Bishop area to support both the proposed station and petitioner's present AM and FM facilities. According to KIBS, establishment of a third station in Bishop would have so adverse an economic effect upon its own operations as to result in an overall loss or degradation of broadcast service to the area. Carroll Broadcasting Company v. Federal Communications Commission, 103 U.S. App. D.C., 346, 253 F. 2d 440, 17 RR 2006 (1958). Secondly, KIBS argues that the applicant has not made an adequate effort to determine the programing needs and interests of the public to be served by the proposed station.

4. In support of the request for a Carroll issue, KIBS contends that Bishop is a small community, located in a sparsely populated area with little prospect for growth in the near future.[1] It is noted that applicant's 2 mv/m contour will encompass only 7,462 persons. While petitioner admits that the proximity of Bishop to the recreation areas of the High Sierra Mountains results in a large influx of campers, fishermen, and skiers, it argues that these seasonal visitors have little effect on the area's retail sales, which reflect the business activity of a very small community.[2] The petition to deny stresses that there are only 350 small businesses located in Bishop (a list of which is submitted as Appendix 2) and that only by diligent efforts and involvement in community affairs has KIBS been able to operate at a modest profit in the past. To illustrate the economic threat posed to it by the applicant, KIBS claims that if the proposed station succeeded in taking away one-half of the revenues of petitioner's 10 largest accounts (as set out in Appendix 4), the loss to KIBS, estimated at $8,302, would force petitioner's AM station to operate at a deficit. This, in turn, it is argued, would cause petitioner to curtail a number of public service programs, such as remote broadcasts of local high school football and basketball games. Furthermore, KIBS argues that operation of its recently licensed FM facility, allegedly the only reliable nighttime service to an extensive area around Bishop, would have to be either relegated to a limited-hour simulcast basis or curtailed altogether.

5. In reply, the applicant, citing Missouri-Illinois Broadcasting Co., FCC 64-748, adopted July 29, 1964, 3 RR 2d 232, argues that KIBS has failed to make a substantial showing that a grant of the proposed station would result in injury to the public interest as well as to petitioner's own private interest. According to the applicant, petitioner's showing not only fails to meet the requirements of the Missouri-Illinois case, supra, but, on the contrary, tends to show that a grant of the proposal would not have the disastrous economic effects foreseen by KIBS. The applicant notes that while petitioner has alleged that its expenses have increased from $48,756 in 1961 to $78,265 in 1965, no indication is given as to how much of the $78,265 was paid in salaries to petitioner's officers.[3] With regard to the football and basketball broadcasts that KIBS claims it may have to delete, the applicant asserts that these programs are sponsored, and, therefore, it is not readily apparent why they would have to be discontinued. The crux of the applicant's argument, however, is that resident population figures are not an accurate indication of the activity or growth in the Bishop area. In Appendix B to its opposition pleading, the applicant, setting out figures from a 1965 sales brochure prepared by the petitioner, notes that in 1964, a cumulative total of some 2,238,000 persons visited the Inyo National Forest, west of Bishop. Approximately 305,000 winter sports visitors also spent time in the area. Other of petitioner's own figures are cited to show substantial recent increases in the number of businesses in Bishop and in the total retail sales for Inyo and Mono Counties. Finally, the applicant stresses that its proposal will serve an area, 64 percent of which is now without recognizable daytime service, and that this overriding public interest consideration should not be delayed by petitioner's insistence upon a Carroll issue determination.

6. After carefully considering the contentions of the parties, the Commission is of the opinion that the petitioner has met the burden of pleading to the extent required by Folkways Broadcasting Co., Inc. v. FCC, 375 F 2d 299, 8 RR 2d 2089 (D.C. Cir. 1967). In that case, the Court of Appeals held that the Commission could not demand of Carroll petitioners "exact calculation" or "preknowledge of exact economics of the situation" which would occur after grant of the proposed station. Notwithstanding its failure to discuss in detail all of the questions posed by the Missouri-Illinois opinion, supra, KIBS has alleged specific facts and drawn conclusions which were reasonably related to these factual allegations. In sum, petitioner has offered to prove that the economic effect of a new station at Bishop would be detrimental to the public interest because it would create a situation resulting in a loss or degradation of total public service to the area. Although the burden of proof on the petitioner is heavy, it is not required to prove its case prior to hearing. All that is necessary at this stage to warrant the specification of a Carroll issue is that the petitioner allege facts which prima facie

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[1] The current population of Bishop is 2,875. This amounts to a slight decrease from its 1950 population of 2,891. Inyo and Mono Counties, which together comprise the service area involved herein, have a total population of 13,897 (based on 1960 U.S. Census). According to KIBS the population of Inyo County amounts to only one person per square mile. There is allegedly little prospect for growth in the Bishop area since the city of Los Angeles owns or controls some 80 percent of the available land and uses it as a source of water drainage and supply.

[2] As Appendix 1 to its petition to deny, KIBS has submitted a compilation of gross sales figures for the area. According to these figures the total retail sales in fiscal year 1964-65 (the most recent period given) were $27,328,000 for Inyo County and $6,429,000 for Mono County. Petitioner has also filed over 70 replies to questionnaires it sent to local businessmen, virtually all of whom express, inter alia, the opinion that Bishop and the surrounding area cannot support another AM radio station.

[3] Subsequently, KIBS replied to this criticism by stating that the total salary paid to its two working shareholders in 1965 was approximately $20,000 a year for the two. In return, these two shareholders allegedly performed all management, sales, and engineering duties at the station and accounted for 25 percent of the announcing work at KIBS.

indicate that a grant of the application would not serve the public interest. The Commission is of the view that petitioner has raised substantial and material questions of fact concerning the ability of the Bishop market to support another standard broadcast station without a net loss or degradation of service to the community. These questions can only be resolved in an evidentiary hearing. Accordingly, a Carroll issue will be specified. The burden of proof and proceeding with the introduction of evidence will be placed on the petitioner.

7. Petitioner maintains that an issue is necessary to determine the efforts made by the applicant to ascertain the programing needs and interests of the area to be served and the manner in which the applicant proposes to meet such needs and interests. Primarily, KIBS argues that the applicant has never adequately surveyed the needs of the Bishop area, but has instead relied upon the alleged familiarity with the region of certain of its shareholders, who know the area only through vacationing and occasional visits. As a result, petitioner claims that the programing proposal submitted herein was determined prior to any ascertainment of community needs and merely reflects the applicant's personal and speculative ideas as to the kind of programing the area should be given. On February 14, 1967, the applicant amended its proposal, submitting a new section IV–A to replace its previously filed programing plans. Petitioners have offered no pleadings subsequent to this amendment. Since on our own motion we find that an issue is required to determine the adequacy of the applicant's most recent programing proposal, further discussion of KIB's aforementioned objections will not be necessary.

8. According to its application as amended, officers of the applicant corporation have conducted two separate surveys to determine the needs and interests of the proposed service area. Interviewed were 36 persons in Bishop and a total of 43 in other area communities. These persons included school officials, Federal, State, county, and city officials, local businessmen and other area residents. As such they represent a cross-section of the listening public who will receive the proposed service, and a sampling of informed opinion and community interest. Report and Statement of Policy Re: Commission En Banc Programing Inquiry, FCC 60–970, released July 29, 1960, 20 RR 1902. However, aside from a brief statement that these persons expressed a desire for additional AM service and for local news, the applicant makes little reference to the actual program suggestions it received, its evaluation of these suggestions or how its program format will reflect the area's needs as evaluated. See Minshall Broadcasting Company, Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968). Elsewhere, the applicant notes that it was "almost impossible" to get specific statements regarding program preference. In view of the nature of community leadership allegedly interviewed and the absence of alternative local AM service in the area, however, this lack of informative response requires further explanation. Accordingly, we find that an issue must be added so that the applicant may fully demonstrate its effort to ascertain the programing needs and interests of the Bishop area and the manner in which it proposes to meet those needs and interests.

9. By its amendment filed August 18, 1966, the applicant shows the availability of funds totaling $149,500 to meet its financial requirements with regard to both the instant application and its then pending transfer application for assignment of license of Station KHOE, Truckee, Calif. (File No. BAL–5824).[4] This available capital included $49,500 in cash on hand and acceptable stock purchase commitments, shareholders' loan agreements totaling $10,000 and two loan commitments (one for $50,000, designed to finance that KHOE transfer, and another for $40,000, earmarked for the instant application) from Crocker-Citizens National Bank of Santa Barbara, Calif. Examination of KHOE's transfer application discloses that the applicant purchased that station for $75,000 (involving the $50,000 loan, $21,600 in stock commitments and $3,400 in cash). It would appear then that the applicant claims current availability of $24,500 in cash and/or stock purchase agreements, $10,000 in shareholders' loan commitments, and the remaining $40,000 bank loan. We note, however, that a letter from Crocker-Citizens National Bank, dated August 3, 1966, whereby the bank agrees to make the $40,000 available to the applicant, states that the commitment is good for a period of 6 months, i.e., until February 3, 1967. The applicant has not indicated whether the commitment has been renewed. This being the case, the applicant currently shows a balance of only $34,500 to meet its estimated requirements herein of approximately $59,970. These are itemized as follows: Total first-year equipment costs, $17,370; buildings, $2,500; miscellaneous, $4,100; and working capital for 1 year, $36,000. Furthermore, since the financial data submitted by the applicant is now some 2 years old, a complete updating of its financial exhibits is required. Accordingly, a financial issue will be included to determine the applicant's financial ability to construct and operate the proposed station for 1 year without revenues.

10. Except as indicated by the issues specified below, the applicant is qualified to construct, own and operate the proposed station. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity. Therefore, the application will be designated for hearing on the issues specified below:

11. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Eastern California Broadcasting Corp. is financially qualified to construct and operate its proposed station.

2. To determine the efforts made by Eastern California Broadcasting Corp. to ascertain the programing needs and interests of the area to be served and the manner in which the applicant proposes to meet such needs and interests.

3. To determine whether there are adequate revenues to support more than one standard broadcast station in the area without net loss or degradation of broadcast service to the area.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

12. *It is further ordered,* That the petition to deny the application filed by Southeastern Sierra Broadcasting Corp. is granted to the extent indicated above and is denied in all other respects.

13. *It is further ordered,* That Southeastern Sierra Broadcasting Corp., licensee of Stations KIBS and KIBS–FM, Bishop, Calif., is made a party to the proceeding.

14. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue No. 3 shall be upon the petitioner, and with respect to Issues Nos. 1 and 2 upon the applicant.

15. *It is further ordered,* That in the event of a grant of the application, the construction permit shall contain the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

16. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

17. *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

[4] The Commission authorized the assignment of license of KHOE to Eastern California Broadcasting Corp. on Aug. 24, 1966. Thereafter, on Nov. 28, 1967, the licensee informed the Commission that it had suspended operations at KHOE, because revenues in the "highly seasonal" Truckee area were insufficient to enable the station to continue present operations. Pursuant to Commission authorization, last granted on Feb. 21, 1968, KHOE remains silent. Eastern California Broadcasting Corp. is currently requesting Commission approval for assignment of license of KHOE.

of such notice as required by § 1.594(g) of the rules.

Adopted: May 15, 1968.

Released: May 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-6319; Filed, May 27, 1968; 8:48 a.m.]

[Docket No. 18188; FCC 68M-820]

EASTERN CALIFORNIA BROADCASTING CORP.

Order Scheduling Hearing

In re application of Eastern California Broadcasting Corp., Bishop, Calif., Docket No. 18188, File No. BP-16983; for construction permit:

It is ordered, That Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 31, 1968, at 10 a.m.; and that a prehearing conference shall be held on July 11, 1968, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 20, 1968.

Released: May 22, 1968.

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

[F.R. Doc. 68-6320; Filed, May 27, 1968; 8:48 a.m.]

[Docket No. 17185, etc.; FCC 68-526]

GENERAL TELEPHONE COMPANY OF FLORIDA ET AL.

Memorandum Opinion and Order; Correction

In the matter of the petition of General Telephone Company of Florida, Docket No. 17185, for establishment of a physical connection, pursuant to section 201(a) of the Communications Act of 1934, as amended, with facilities of American Telephone and Telegraph Co. and Southern Bell Telephone and Telegraph Co. at Polk City (Eva), Fla.

In re applications of Florida Telephone Corp., Docket No. 18167, File No. 48-CI-P-67, for a construction permit to establish additional facilities in the Domestic Public Point-to-Point Microwave Radio Service between Dade City and Plant City, Fla.; American Telephone and Telegraph Co., Docket No. 18168, File Nos. 646-CI-P-67, 647-CI-P-67, and 648-CI-P-67, for construction permits to establish additional facilities in the Domestic Public Point-to-Point Microwave Radio Service between Tampa and Polk City, Fla.; General Telephone Company of Florida, Docket No. 18169, File Nos. 1552-CI-P-67, 1553-CI-P-67, 1554-CI-P-67, 1555-CI-P-67, and 1556-CI-P-67, for construction permits to establish additional and new facilities in the Domestic Public Point-to-Point Microwave Radio Service between Tampa and Hillcrest, Fla., connecting with Florida Telephone Corp. near Plant City and connecting with United Telephone Company of Florida near Avon Park, Fla.; General Telephone Company of Florida, Docket No. 18170, File Nos. 5035-CI-P-67, 5036-CI-P-67, 5037-CI-P-67, and 5038-CI-P-67, for construction permits to establish additional and new facilities in the Domestic Public Point-to-Point Microwave Radio Service between Clearwater and Polk City (Eva), Fla.; United Telephone Company of Florida, Docket No. 18171, File No. 5774-CI-P-67, for a construction permit to establish additional facilities in the Domestic Public Point-to-Point Microwave Radio Service between Avon Park and Hillcrest, Fla.; American Telephone and Telegraph Co., Illinois Bell Telephone Co. and New York Telephone Co., Docket No. 18172, File No. P-C-6799, for authority under section 214(a) of the Communications Act of 1934, as amended, to supplement existing facilities by installing and operating broadband channel groups between locations in Bell System Associated Companies service areas, and locations in the General Telephone Company of Florida service area; and General Telephone Company of Florida, Docket No. 18173, File Nos. 4449-CI-P-68, 4450-CI-P-68, and 4451-CI-P-68, for construction permits to establish additional and new facilities in the Domestic Public Point-to-Point Microwave Radio Service between Tampa and Polk City (Eva), Fla.

The memorandum opinion and order, FCC 68-420, in the above matter, adopted April 17, 1968, and published in the FEDERAL REGISTER on April 26, 1968, 33 F.R. 6379, is corrected to read as follows: On page 7, paragraph 19 should read:

It is further ordered, That a conditional grant is, hereby, made of application File Nos. 646 through 648-CI-P-67 pursuant to the provisions of § 21.27(g) of our rules and a conditional grant is, hereby, made of application File No. P-C-6799 pursuant to the provisions of section 214(a) of the Communications Act, and our findings in paragraph 14 herein.

Adopted: May 15, 1968.

Released: May 16, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-6322; Filed, May 27, 1968; 8:48 a.m.]

[Docket Nos. 17624, 17625; FCC 68M-824]

FRED KAYSBIER AND SIERRA BLANCA BROADCASTING CO. (KRRR)

Order Continuing Hearing

In re applications of Fred Kaysbier, Alamagordo, 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, Pursuant to a revised schedule adopted at the prehearing conference of May 20, 1968, that the date for commencement of hearing is changed from June 4, 1968, to October 1, 1968, at 10 a.m.

Issued: May 21, 1968.

Released: May 22, 1968.

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

[F.R. Doc. 68-6321; Filed, May 27, 1968; 8:48 a.m.]

[File No. 2316-CI-R-66, etc.; FCC 68-547]

SERVICE ELECTRIC CO. ET AL.

Memorandum Opinion and Order Instituting Hearing

In re Service Electric Co., File Nos. 2316-CI-R-66, and 95 thru 97-CI-R-66, applications for renewal of licenses for common carrier fixed (video) stations KGH98, Pimple Hill, Pa.; KGJ20, Montour Ridge, Pa.; KGH99, Bear's Head, Pa.; and KGI69, Nescopeck Mountain, Pa.; High Point Relay Co., File No. 1486-CI-AL-65, application for assignment of license of common carrier fixed (video) station KGI61, Pimple Hill, Pa., and File No. 1856-CI-R-66, application for renewal of license for common carrier fixed (video) station KGI61, Pimple Hill, Pa.; and Service Electric Co.; High Point Relay Co.; Service Electric Cable TV, Inc., trading as Mountain City TV Co., Hazleton, Pa.; Service Electric Cable TV, Inc., trading as TeleService Company of Wyoming Valley, Wilkes-Barre, Pa.; Service Electric Cable TV, Inc., Mahanoy City, Pa.; Service Electric Cable TV, Inc., Frackville, Pa.; Service Electric Cable TV, Inc., Girardville, Pa.; Service Electric Cable TV, Inc., St. Clair, Pa.; Service Electric Cable TV, Inc., Tamaqua, Pa.; and Cable TV Co., Berwick, Pa., SR-4612, requests for waiver of §§ 21.712 and 74.1103 of the Commission's rules; and requests for order to show cause directed against the following CATV operations: Service Electric Cable TV, Inc., trading as Mountain City TV Co., Hazleton, Pa., Docket No. 18193, SR-3716, SR-1710; Service Electric Cable TV, Inc., trading as TeleService Company of Wyoming Valley, Wilkes-Barre, Pa., Docket No. 18194, SR-3716, SR-278; Service Electric Cable TV, Inc., Mahanoy City, Pa., Docket No. 18195, SR-3716, SR-5710, SR-276; Service Electric Cable TV, Inc., Tamaqua, Pa., SR-5712; and Service Electric Co., St. Clair, Pa., SR-126282.

[2] Commissioners Hyde, Chairman; and Loevinger absent; concurring statement of Commissioner Bartley filed as part of the original document.

[1] Commissioners Hyde, Chairman; and Loevinger absent.

1. The Commission has before it for consideration the above-captioned common carrier microwave renewal applications and the above-captioned application for assignment of license of one such station, grant of which will place ownership of all captioned stations in the hands of Service Electric Co. Filed with the applications were petitions requesting on behalf of the CATV customers served by the microwave stations temporary waiver of the carriage and program exclusivity requirements of §§ 21.712 and 74.1103 of the Commission's rules. The Commission has also received requests by local broadcasters that it issue orders to show cause why certain of the CATV operators should not be required to cease and desist from violations of §§ 74.1103, 74.1105, and 74.1107 of the rules.

2. Requests for temporary waiver of § 21.712 of the rules were originally filed with the microwave applications by the carriers and their customers [1] on February 1, 1966. Relief from the carriage and program exclusivity requirements was sought for a period of 2 years to enable the low-band systems to convert to 12-channel capacity. The petitions were opposed by local broadcasters which would be affected if the temporary waivers were granted: WBRE, Inc., licensee of Station WBRE–TV, Wilkes-Barre, Pa.; Taft Broadcasting Co., licensee of Station WNEP–TV, Scranton, Pa.; and Scranton Broadcasters, Inc., licensee of Station WDAU–TV, Scranton, Pa. The petitioners replied.

3. After the Commission issued the second report and order, adopting rules to regulate both microwave-served systems and those which receive television signals off-the-air, the CATV operators filed further requests for waivers, incorporating their earlier pleadings. These petitions were opposed by Taft [2] and a joint reply was filed.

4. During the pendency of the above-described controversy, WBRE–TV, WNEP–TV, and WDAU–TV asked that the Commission issue orders to show cause why the Hazleton, Wilkes-Barre, Mahanoy City, Tamaqua, and St. Clair systems should not be required to cease and desist from operation in violation of §§ 74.1103, 74.1105, and 74.1107 of the rules. Northeastern Pennsylvania Educational Television Association, licensee of Station WVIA–TV, Scranton, Pa., supported the petitions, and also requested special relief against the carriage of other educational stations on these systems.

5. The basic arguments contained in the waiver requests are: That petitioners were in the process of converting to all-band reception; that operation of the five-channel systems since 1948 had not injured local broadcasters; that local signals are receivable off-the-air by CATV subscribers so that CATV carriage is not important; that economic impact on the CATV operators would be substantial if immediate compliance were required; and that program choice would thus be reduced.

6. The broadcasters alleged, in opposition, that the waiver requests were mere delaying tactics; that program duplication by distant signals threatened their position as exclusive network outlets, and resulted in loss of audience; that their stations are either not carried or are carried only part time; that there is no issue of local station signal quality; that substitution of local for distant signals would not result in a loss of programs to CATV subscribers; that the financial hardship and viewer service allegations made by the CATV operators are unsupported; that no justification was given for the length of the waiver period; that the operators had notice of the need to comply with Commission rules by February 1, 1966; that the local stations have long sought carriage and program exclusivity in their market; and that no unusual circumstances were advanced by petitioners to justify a waiver. Petitioners replied that immediate deletion of distant signals would destroy "grandfather" rights under § 74.1107 of the rules.

7. The requested waiver period expired February 1, 1968, and no extension of time has been requested. Consequently, the various waiver petitions are moot, and will be dismissed.[3]

8. In requests for show cause orders filed between December 1966, and March 1967, the licensees of Stations WBRE–TV, WNEP–TV, and WDAU–TV allege violations of §§ 74.1103, 74.1105, and 74–1107 of the rules. Additional issues are raised, which will be discussed below.

9. On December 1, 1966, Taft alleged that Service Electric Cable's St. Clair system was not included in the earlier waiver petition, and that the cable operator continued to refuse full time carriage to WNEP–TV in violation of § 74.1103(a) of the rules. Service opposed this position. On the basis of the information before us, we hold that the St. Clair system is part of the overall conversion plan for the Frackville-Girardville-St. Clair CATV complex, and that it was sufficiently referenced for the purpose of requesting a waiver. Taft's petitions on this point will, therefore, be denied.

10. Petitions for orders to show cause were filed against the systems at Hazleton, Mahanoy City, and Wilkes-Barre by the licensees of WBRE–TV, WNEP–TV, and WDAU–TV, and were supported by the licensee of WVIA–TV which also requested additional relief. Essentially, the broadcasters allege (a) that the basis for the waiver petitions no longer exists because the systems have converted to 12-channel capacity; (b) that carriage and program exclusivity are not being provided; and (c) that additional distant signals are now being carried by the CATV systems, in violation of requirements of §§ 74.1105 and 74.1107 of the rules.

11. Service Electric, in opposition, alleges (a) that conversion is only partially completed; [4] that WBRE–TV and WNEP–TV are carried on all systems; that WDAU–TV will be carried by the end of the first week of March 1967; [5] and that WVIA–TV will be carried on the systems once conversion is complete; [6] (b) that the signals of WPHL–TV, WKBS–TV, WIBF–TV, and WHYY–TV were carried on the systems prior to February 15, 1966, so that they are "grandfathered" under § 74.1107(d) of the rules; that the broadcasters were advised of such carriage in Service's April 18, 1966, reply to oppositions to waiver petitions, as well as in CATV information reports filed before the Commission; and that it has supplied supporting affidavits from subscribers.

12. In reply, the broadcasters urge (a) that local stations should be immediately carried full-time and provided program exclusivity on the low-band systems; (b) that Service's waiver petitions do not describe stations now alleged to be part of the CATV service; (c) that the waiver petitions were filed under § 21.712 of the rules and so the only signals covered are microwave-relayed distant signals; that a separate request under § 74.1103 is necessary to cover signals received off-the-air by the CATV operators; (d) that as to Philadelphia UHF stations, carriage

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[1] All captioned CATV systems are owned by Service Electric Cable TV, Inc., except for Cable TV Co. of Berwick, Pa.

[2] Taft's opposition was also directed against the grant of a microwave renewal application (File No. 3629–C1–R–66) filed by Penn Service Microwave Co., and against requests for waiver of §§ 21.712 and 74.1103 of the rules filed by two of the carrier's customers, Eastern Pennsylvania Relay Stations, Inc., and TV Extension Corp., operators of CATV systems at Shamokin, Pa. On Mar. 6, 1968, the waiver requests were dismissed as moot and the renewal application was later granted (Public Notice–C, Report 379, Mar. 18, 1968).

[3] On Apr. 21, 1967, Service Electric Cable requested that the waiver period be extended at Mahanoy City until a competing CATV operator is required to comply with the rules. And since the Tamaqua CATV system is served by the same head-end, the extension was requested for that system also. However, the Commission has ordered City TV Corp. to cease and desist from further operation of its Mahanoy City system in violation of § 74.1103(e) of the rules. Shen-Heights TV Association, FCC 68–297, 11 FCC 2d 814. Compliance with that order is stayed until the end of April to allow the CATV operator to obtain switching equipment. It therefore appears that pleadings relating to a further extension at Mahanoy City and Tamaqua are moot and they will be dismissed. Likewise, a show cause petition filed against the Tamaqua system, alleging delay in providing carriage and program exclusivity to WDAU–TV after conversion becomes moot and it will be denied.

[4] Service explains that the systems operate with a single head-end; that 12-channel capacity cable is being installed to replace old cable; but that on parts of the systems which are not yet converted, only the lower five channels, which carry stations provided at the time the waivers were requested, are furnished subscribers. Service urges that to require program exclusivity while conversion is underway would disrupt service to subscribers connected to the low-band cable.

[5] On Mar. 9, 1967, Service advised that WDAU–TV is being received on converted portions of the Hazleton system.

[6] Service took issue with the adequacy of WVIA–TV's program schedules and with copyright reservations contained in its request for carriage. But these objections were met in WVIA–TV's reply.

on a program-to-program basis, if commenced before the top-100 market cutoff date, must have been so intermittent as to be virtually nonexistent, so that they were not being "supplied" to subscribers in any sense of the word prior to February 15, 1966; and (e) that the Commission's top-100 market rules do not intend that a five-channel system may expand from part-time to full-time carriage of distant signals without prior hearing; that, at most, Service Electric should be allowed to carry distant signals at the same time and in the same quantity as it did the week of February 15, 1966. WVIA–TV requests additional relief against the carriage of other educational television stations in its coverage area, alleging that such carriage undermines the Pennsylvania plan for educational television, and is contrary to Commission and N.E.T. policies. It also alleges that such stations do not wish to be carried in WVIA–TV's area.[7]

13. In view of the expiration of the requested waiver period, we will consider as moot all allegations concerning the carriage and program exclusivity rights allegedly withheld from local broadcasters, as well as all allegations concerning the procedures employed by the CATV systems during the period of partial conversion.

14. The question of "grandfather" rights for certain stations carried off-the-air by the Hazleton, Wilkes-Barre, and Mahoney City systems cannot be so easily disposed of. Questions have arisen as to the date such stations were first provided by these systems; whether their carriage, if commenced before the cutoff date, was sufficient to qualify as service under § 74.1107 of the rules; and whether these stations were properly included in the waiver petitions for the three systems.

(a) We hold that waiver requests filed pursuant to § 21.712 encompass all signals carried by a CATV system and are not limited to signals received via microwave relay. This finding is consistent with our policy of retaining in effect the rules covering microwave grants until CATV systems are operating in accordance with the rules adopted in the Second Report and Order (paragraph 102).

(b) We find that a substantial factual question has been raised by the broadcasters concerning the inauguration of carriage of certain off-the-air distant signals, which presents an issue whether such carriage was adequate to confer "grandfather" rights under § 74.1107(d) of the rules.

WCAU, Philadelphia, Pa.; and WNBF–TV, Binghampton, N.Y. Although the CATV operator at Hazleton lists WNBF–TV as part of its service in reports filed with the Commission, reference to it is found nowhere in Service Electric pleadings. The broadcasters allege, further, that WCAU–TV is also carried. The operator has failed to respond to allegations that neither signal was carried on the system as of February 15, 1966, nor included in its waiver requests. Therefore, we will require that a hearing be held concerning carriage of WCAU–TV and WNBF–TV on the Hazleton system. In accordance with policy stated in the following subparagraph, however, present carriage may be continued pending the outcome of the hearing.

WPHL–TV, WKBS–TV, and WIBF–TV, Philadelphia, Pa. Service Electric Cable alleges that Hazleton, Wilkes-Barre, and Mahanoy City received these stations off-the-air before the cutoff date for § 74.1107 "grandfather" limitations. However, none of them were listed in waiver requests for the Hazleton system; and WIBF–TV was not listed in Wilkes-Barre requests. To remedy the situation, the CATV operator has filed affidavits by cable company employees and subscribers to the effect that the stations were put on cable in late 1965, and were viewed "with some degree of regularity" on all three systems. However, Service Electric Cable statements filed with the captioned microwave applications indicate that unspecified Philadelphia stations were carried on the Wilkes-Barre and Mahanoy City systems since 1948. No reference is made to the Philadelphia stations in service reports filed by the CATV operators with Television Digest, Inc., for inclusion in its 1966 Edition, Directory of Community Antenna Television Systems. In short, the only detailed information to support the proposition that all three stations were carried on all three systems before February 15, 1966, is contained in the affidavits (two for each city) filed by Service Electric Cable. We find that these statements are insufficient to support a conclusion on the date carriage began in view of the conflicting statements. Service urges, as to quantity of carriage, "some degree of regularity". According to the CATV operator (reply of Feb. 28, 1967), some 15 stations were carried on the five-channel capacity systems, including microwave-relayed New York City signals and the three local stations. However, by Service's admission, WDAU–TV was not carried on the Hazleton system until March 9, 1967. In view of the pleading inconsistencies, and lack of specific data, we find that a question exists concerning inception date and amount of carriage of the three Philadelphia UHF stations. Accordingly, we will order that hearing be held. However, we do not believe that the public interest would be served by requiring deletion of these three signals pending the outcome of such hearing, and we will therefore permit the three CATV systems to continue present service.

WHYY–TV, Wilmington, Del., and WLVT–TV, Allentown, Pa. Similar questions exist concerning the inception date and amount of carriage of these two educational stations, and the operator has failed to respond to allegations concerning them. In addition, Station WVIA–TV has requested special relief against any such carriage on CATV systems at Hazleton and Wilkes-Barre located within its primary coverage area, and has been supported by the other educational stations. Under the circumstances, we will require that a hearing be held concerning carriage of WHYY–TV and WLVT–TV on the Hazleton and Wilkes-Barre CATV systems, and whether, in view of WVIA–TV's request for relief, their carriage would serve the public interest. In accordance with policy stated in the subparagraph above, however, present carriage may be continued pending the outcome of the hearing.

15. The captioned microwave renewal and assignment applications present somewhat complicated problems concerning the 50 percent nonaffiliation requirements of § 21.709(a) of the rules. Service Electric, counting customers served through a connecting carrier (Penn Service Microwave Co.), barely complies with the rule (12 channels to unrelated customers and 12 channels to related customers). However, the proposed assignment of High Point Relay Co. facilities to Service Electric would cause the latter to provide more than 50 percent of its service to affiliated customers (16 channels to 12 channels) since the single customer of High Point has common ownership with Service Electric. We also note that the present ownership of High Point has an indirect affiliation with its customer due to the principals of each being partners in another carrier.

16. Service Electric points out that its connecting carrier, Penn Service Microwave Co., has a number of applications on file proposing to extend the interconnected service to other unrelated customers,[8] and, on this basis, requests a waiver of the rule to permit the acquisition of High Point without endangering its common carrier status. It is also appropriate to note that both Service Electric and High Point have adjacent pickup and relay facilities at Pimple Hill, Pa., and that a consolidated operation of the facilities would likely lead to a more economical and efficient public service. For these reasons, we will grant a waiver of the rule until February 1, 1971. If, at that time, Service Electric cannot show full compliance with § 21.709(a), applications for further operating authority for these facilities should be filed in the CAR Service. We will take no action at this time on the High Point renewal application pending consummation of the proposed assignment.[9]

Accordingly, it is ordered, That the applications (File Nos. 2316–C1–R–66, and 95–97–C1–R–66) filed by Service Electric

[7] On Mar. 30, 1967, WHYY–TV, Inc., licensee of Educational Station WHYY–TV, Philadelphia, Pa., and Lehigh Valley Educational Television Corp., licensee of Educational Station WLVT–TV, Allentown, Pa., filed letters with the Commission stating that they do not wish to be carried on Service Electric Cable systems.

[8] Most if not all of these applications involve the importation of distant signals into a top-100 market.

[9] If the assignment is consummated, renewal until 1971 will be granted under the same waiver terms. If it is not consummated, a short term renewal pursuant to § 21.709(b) will be granted. The staff is authorized to make the appropriate disposition.

Co., for renewal of licenses of Stations KGH98, KGJ20, KGH99, and KGI69, are granted.

It is further ordered, That the application (File No. 1486–C1–AL–65) filed by High Point Relay Co. for assignment of the license of Station KGI61, is granted.

It is further ordered, That requests for temporary waiver of §§ 21.712 and 74.1103 of the Commission's rules filed by Service Electric Co.; High Point Relay Co.; Cable TV Co., operator of a CATV system at Berwick, Pa.; and Service Electric Cable TV, Inc., operator of CATV systems at Hazleton, Wilkes-Barre, Mahanoy City, Frackville, Girardville, St. Clair, and Tamaqua, Pa., are dismissed.

It is further ordered, That requests for orders to show cause directed against Service Electric Cable TV, Inc., CATV systems at Hazleton, Wilkes-Barre, Mahanoy City, Tamaqua, and St. Clair, Pa., filed by WBRE–TV, Inc., licensee of Station WBRE–TV, Wilkes-Barre, Pa.; Taft Broadcasting Co., licensee of Station WNEP–TV, Scranton, Pa.; and Scranton Broadcasters, Inc., licensee of Station WDAU–TV, Scranton, Pa., are denied.

It is further ordered, That petitions directed against the operation of Service Electric Cable TV, Inc., CATV systems at Hazleton, Wilkes-Barre, and Mahanoy City, filed by Northeastern Pennsylvania Educational Television Association, licensee of Station WVIA–TV, Scranton, Pa., are denied.

It is further ordered, That pursuant to section 309(e) of the Communications Act, §§ 74.1107 and 91.559 of the Commission's rules, the operation of Service Electric Cable TV, Inc., CATV systems at Hazleton, Mahanoy City, and Wilkes-Barre are designated for hearing on the following issues:

(1) To determine whether Stations WPHL–TV, WCAU–TV, WKBS–TV, WIBF–TV, WNBF–TV, WHYY–TV, and WLVT–TV were sufficiently carried on the CATV systems prior to February 15, 1966, for the signals to be considered "grandfathered" within the meaning and intent indicated in § 74.1107(d) of the Commission's rules.

(2) To determine whether continued carriage of WHYY–TV and WLVT–TV on the Service Electric CATV systems at Hazleton and Wilkes-Barre would be consistent with the public interest.

(3) In light of the evidence adduced pursuant to Issues 1 and 2, to determine whether continued carriage of the distant signals would be consistent with the public interest.

Service Electric Cable TV, Inc., WBRE–TV, Inc., Scranton Broadcasters, Inc., Taft Broadcasting Co., Northeastern Pennsylvania Educational Television Association, WHYY–TV, Inc., and Lehigh Valley Educational Television Corp., are made parties to this proceeding, and to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules. The burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue 1 is upon the CATV system operators; with respect to Issue 2 upon Northeastern Pennsylvania Educational Television Association. Issue 3 is conclusory.

It is further ordered, That Service Electric Cable TV, Inc., is directed to comply with the carriage and program exclusivity requirements of § 74.1103 of the rules on its CATV systems at Hazleton, Wilkes-Barre, Mahanoy City, Frackville, Girardville, St. Clair, and Tamaqua, Pa.

It is further ordered, That Cable TV Co. is directed to comply with the carriage and program exclusivity requirements of § 74.1103 of the Commission's rules on its CATV system at Berwick, Pa., within thirty (30) days of the release date of this memorandum opinion order.

Adopted: May 15, 1968.

Released: May 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[10]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

A.

(1) Applications of Service Electric Co. (File Nos. 2316–C1–R–66 and 95–97–C1–R–66) for renewal of licenses for Common Carrier Fixed (Video) stations KGH98, Pimple Hill, Pa.; KGH20, Montour Ridge, Pa.; KGH99, Bear's Head, Pa.; and KGI69, Nescopeck Mountain, Pa.

(2) "Petition for Waiver of Non-Duplication Conditions or Other Appropriate Relief" filed by Service Electric Co., Service Electric Cable TV, Inc., and Cable TV Co., requesting waiver of the program exclusivity requirements of § 21.712 for a 2-year period by CATV systems operating in Wilkes-Barre, Tamaqua, Frackville, Berwick, and Mahanoy City, Pa.

(3) "Opposition of WBRE–TV, Inc., to Petitions for Waiver of Non-Duplication Conditions or Other Appropriate Relief" filed by WBRE–TV, Inc., licensee of Station WBRE–TV, Wilkes-Barre, Pa., directed against the grant of (2) above (also against (c)(2) below).

(4) "Opposition and Request for Immediate Relief" and "Supplement" thereto, filed by Taft Broadcasting Co., licensee of Station WNEP–TV, Scranton, Pa., directed against the grant of (2) above (also against (c)(2) below).

(5) "Opposition to Petition by Service Electric Company for Waiver of Carriage and Non-Duplication Conditions" filed by Scranton Broadcasters, Inc., licensee of Station WDAU–TV, Scranton, Pa., directed against the grant of (2) above.

(6) "Reply to the Oppositions of Taft Broadcasting Company; Scranton Broadcasters, Inc.; and, WBRE–TV, Inc., to Petitions for Waiver of Non-Duplication Conditions or Other Appropriate Relief" filed by Service Electric Co., Service Electric Cable TV, Inc., and Cable TV Co., directed against (3), (4), and (5) above.

(7) "Petition for Waiver of the Carriage and Non-Duplication Conditions of § 21.712" filed by Service Electric Cable TV, Inc., incorporating (2) above, and adding to its request the Service Electric Hazleton CATV system. (See C below.)

(8) "Opposition of Taft Broadcasting Company to Petitions for Waiver of Carriage and Non-Duplication Conditions" filed by Taft Broadcasting Co., directed against the grant of (2) and (7) above (also against (c)(2) below.)

(9) "Reply to the Opposition of Taft Broadcasting Company to Petitions for Waiver of Carriage and Non-Duplication Conditions" filed jointly by Service Electric Co., High Point Relay Co., Penn Service Microwave Co., Cable TV Co. and Service Electric Cable TV, Inc., directed against (8) above. (Same as (c)(8) below.)

(10) Letter of June 23, 1967, filed by WBRE–TV, Inc., enclosing report on status of CATV systems at Hazleton, Wilkes-Barre, Mahanoy City, Frackville-St. Clair, and Tamaqua, Pa.

B.

(1) Application of High Point Relay Co. (File No. 1486–C1–AL–65) for assignment of license of Common Carrier Fixed (Video) Station KGI61, Pimple Hill, Pa., from High Point Relay Co. to Service Electric Co.

(2) Letter of October 21, 1964, filed by WBRE–TV, Inc., requesting that (1) above be granted only upon the condition that interim rules contained in Docket No. 15233 be applied with respect to all of Service Electric Co.'s CATV operations located within the WBRE–TV Grade A contour.

(3) Letter of November 4, 1964, filed by Taft Broadcasting Co., requesting that action on (1) above be withheld pending the outcome of the proceeding in Docket Nos. 14895 and 15233, until the proposed assignee agrees to accept the assignment conditioned upon acceptance of the interim conditions prescribed in Docket Nos. 14895 and 15233.

(4) Letter of January 4, 1965, filed jointly by the assignor and proposed assignee of KGI61, amending (1) above and requesting that the interim conditions of Docket No. 15233 be waived.

(5) Letter of April 21, 1965, by the Commission, denying the requested waiver contained in (4) above and deferring consideration of (1) above until the conclusion of the rulemaking in Docket No. 15233. (Remaining petitions filed in conjunction with this application are listed in section C below.)

C.

(1) Application of High Point Relay Co. (File No. 1856–C1–R–66) for renewal of license for Common Carrier Fixed (Video) Station KGI–61, Pimple Hill, Pa.

(2) "Petition for Waiver for Non-Duplication Conditions or Other Appropriate Relief" filed by High Point Relay Co. and Service Electric TV Cable, Inc., requesting waiver of the program exclusivity requirements of § 21.712 for a 2-year period by a CATV system operating in Hazleton, Pa. (Also filed with assignment application for this station in section B above.)

(3) "Opposition of WBRE–TV, Inc. to Petitions for Waiver of Non-Duplication Conditions or Other Appropriate Relief" filed by WBRE–TV, Inc., directed against the grant of (2) above. (Same as (A)(3) above.)

(4) "Opposition and Request for Immediate Relief" and "Supplement" thereto, filed by Taft Broadcasting Co., directed against the grant of (2) above. (Same as (A)(4) above.)

(5) "Opposition to Petition by High Point Relay Company for Waiver of Carriage and Non-Duplication Conditions" filed by Scranton Broadcasters, Inc., directed against the grant of (2) above.

(6) "Reply to the Oppositions of Taft Broadcasting Company; Scranton Broadcasters, Inc.; and WBRE–TV, Inc., to Petitions for Waiver of Non-Duplication Conditions or Other Appropriate Relief" filed by High Point

[10] Commissioners Hyde, Chairman; Loevinger and Wadsworth absent; statement in which Commissioner Bartley concurs in part and dissents in part filed as part of the original document; Commissioner Cox concurring in the result.

Relay Co. and Service Electric Cable TV, Inc., directed against (3), (4), and (5) above.

(7) "Opposition of Taft Broadcasting Company to Petitions for Waiver of Carriage and Non-Duplication Conditions" filed by Taft Broadcasting Co., directed against (2) above. (Same as (A) (8) below.)

(8) "Reply to the Opposition of Taft Broadcasting Company to Petitions for Waiver of Carriage and Non-Duplication Conditions" filed jointly by Service Electric Co., High Point Relay Co., Penn Service Microwave Co., Cable TV Co., and Service Electric Cable TV, Inc., directed against (5) above. (Same as (A) (9) above.)

(9) Letter of June 23, 1967, filed by WBRE–TV, Inc., enclosing report on status of CATV systems located at Hazleton, Wilkes-Barre, Mahanoy City, Frackville-St. Clair and Tamaqua, Pa. (Same as (A) (10) above.)

D.

(1) (a) "Petition of WBRE–TV, Inc. for Show Cause Order" filed by WBRE–TV, Inc., directed against the operation of Mountain Television Co., operator of a CATV system at Hazleton, Pa.

(1) (b) "Petition of WBRE–TV, Inc. for Show Cause Order" filed by WBRE–TV, Inc., directed against the operation of TeleService Company of Wyoming Valley, operator of a CATV system at Wilkes-Barre (and Kingston Borough, Pa.).

(1) (c) "Petition of WBRE–TV, Inc., for Show Cause Order" filed by WBRE–TV, Inc., directed against the operation of Service Electric Cable TV, Inc., operator of a CATV system at Mahanoy City, Pa.

(2) "Petition for Order to Show Cause and Motion to Dismiss" filed by Scranton Broadcasters, directed against the operation of Mountain City TV Co., Hazleton, Pa.

(3) "Support for Petitions for Show Cause Order" filed by Northeastern Pennsylvania Educational Television Association, permittee of Station WVIA–TV, Scranton, Pa., supporting (1) (a), (b), and (c) above.

(4) "Opposition to the Petitions of WBRE–TV, Inc., Scranton Broadcasters, Inc. and Northeastern Pennsylvania Educational Television Association for a Show Cause Order" filed by Service Electric Cable TV, Inc., directed against the grant of (1) (a), (1) (b), (1) (c), (2) and (3) above.

(5) "Reply of WBRE–TV, Inc. to Opposition of Service Electric Cable TV, Inc." filed by WBRE–TV, Inc., directed against (4) above.

(6) "Reply to Opposition of Service Electric Cable TV, Inc." filed by Scranton Broadcasters, Inc., directed against (4) above.

(7) "Reply to Opposition of Service Electric Cable TV, Inc." filed by Northeastern Pennsylvania Educational Television Association, directed against (4) above.

* * * * *

(8) "Petition of Taft Broadcasting Company for Orders to Show Cause" filed by Taft Broadcasting Co., directed against the operation of Mountain City TV Co.; TeleService Company of Wyoming Valley; and Service Electric Cable TV, Inc. (Same CATV systems described in (1) (a), (b), and (c) above.)

(9) "Opposition to Petition of Taft Broadcasting Company for Order to Show Cause" filed by Service Electric Cable TV, Inc., directed against the grant of (8) above.

(10) "Reply of Taft Broadcasting Company to Opposition of Service Electric Cable TV, Inc." filed by Taft Broadcasting Co., directed against (9) above.

* * * * *

(11) (a) "Petition for Order to Show Cause" filed by Scranton Broadcasters, Inc., directed against the operation of Service Electric Cable TV, Inc., Tamaqua, Pa.

(11) (b) "Petition for Order to Show Cause" filed by Scranton Broadcasters, Inc., directed against the operation of Service Electric Cable TV, Inc., Mahanoy City, Pa.

(12) "Opposition to Petitions of Scranton Broadcasters, Inc., for Order to Show Cause" filed by Service Electric Cable TV, Inc., directed against the grant of (11) (a) and (b) above.

(13) "Reply to Opposition to Petitions of Scranton Broadcasters, Inc., for Order to Show Cause" filed by Scranton Broadcasters, Inc., directed against (12) above.

* * * * *

(14) (a) "Petition of Taft Broadcasting Company for Initiation of Criminal Prosecution or Issuance of Order to Show Cause" filed by Taft Broadcasting Co., directed against the operation of Service Electric Co., operator of a CATV system at St. Clair, Pa.

(14) (b) "Request for Immediate Commission Notice to Service Electric Company" filed by Taft Broadcasting Co., directed against the operation of Service Electric Co., St. Clair, Pa.

(15) "Opposition of Service Electric Company to the Petition of Taft Broadcasting Company for Institution of Criminal Prosecution or Issuance of Order to Show Cause and to the Request for Immediate Commission Notice to Service Electric Company" filed by Service Electric Cable TV, Inc., directed against (14) (a) and (b) above.

(16) Letter of December 19, 1966, filed by Taft Broadcasting Co., concerning appropriate inclusion of the CATV system at St. Clair, Pa., in Service Electric's April 18, 1966, petition for waiver.

(17) "Reply to Opposition of Service Electric Co. (Service Electric Cable TV, Inc.)" filed by Taft Broadcasting Co., directed against (15) above.

* * * * *

(18) Letter of March 10, 1967, filed by WHYY, Inc., licensee of Station WHYY–TV, Wilmington, Del., stating that the station does not wish to be carried by Service Electric Cable Television, Inc. beyond its Grade B contour into the primary coverage area of WVIA–TV, Wilkes-Barre, Pa.

(19) Letter of March 30, 1967, filed by Lehigh Valley Educational Television Corp., licensee of Station WLVT–TV, Bethlehem, Pa., stating that the station does not wish to be carried on Service Electric Cable TV CATV systems at Hazleton and Wilkes-Barre.

E.

(1) "Petition for Waiver of the Carriage and Non-Duplication Conditions of §§ 21.712 and 74.1103 of the Commission's Rules" filed by Cable TV Co., operator of a CATV system at Berwick, Pa.

(2) "Opposition of WBRE–TV, Inc. to Petition for Waiver of the Carriage and Non-Duplication Conditions of §§ 21.712 and 74.-1103 of the Commission's Rules" filed by WBRE–TV, Inc., directed against the grant of (1) above.

(3) "Opposition to 'Petition for Waiver of the Carriage and Non-Duplication Conditions of §§ 21.712 and 74.1103 of the Commission's Rules' ", filed by Scranton Broadcasters, Inc., directed against (1) above.

(4) "Reply to the Oppositions of WBRE–TV, Inc., and Scranton Broadcasters, Inc., to Petitions for Waiver of the Carriage and Non-Duplication Conditions of §§ 21.712 and 74.1103 of the Commission's Rules" filed by Cable TV Co., directed against (2) and (3) above.

(5) "Opposition of Taft Broadcasting Company to Petitions for Waiver of Carriage and Non-Duplication Conditions" directed against (1) above (as well as (A) (2) (7) and (C) (2) above). (Same as (A) (8) above.)

(6) "Reply to the Opposition of Taft Broadcasting Company to Petitions for Waiver of Carriage and Non-Duplication Conditions" filed jointly by Cable TV Co., Service Electric Co., High Point Relay Co., Penn Service Microwave Co. and Service Electric Cable TV, Inc., directed against (5) above. (Same as (A) (9) above.)

(7) Letter of April 3, 1968, filed by Taft Broadcasting Co., requesting firm time schedule for completion of conversion to 12-channel capacity of CATV systems owned by Service Electric Cable TV, Inc. at Mahanoy City, Hazleton, Wilkes-Barre, and Tamaqua, Pa.

[F.R. Doc. 68–6323; Filed, May 27, 1968; 8:48 a.m.]

[Docket No. 18178; FCC 68–528]

VERNON BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Vernon Broadcasting Co., Lebanon, Tenn., Docket No. 18178, File No. BP–17551; requests: 1170 kc, 500 w, Day; for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) a petition to deny filed by Lebanon Broadcasting Co., Inc., licensee of Stations WCOR and WCOR–FM, Lebanon, Tenn.; and (c) pleadings in opposition and reply thereto.

2. Lebanon Broadcasting Co., Inc. (hereinafter, petitioner) bases its claim of standing as a party in interest on the ground that it is the only existing standard broadcast station presently licensed to serve Lebanon, Tenn.[1] Presumably the grant of an additional AM service to Lebanon would subject petitioner to possible economic injury. Therefore, the Commission finds that petitioner does have standing within the meaning of section 309(d) (1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. Petitioner's objections to a grant of the applicant's proposal fall generally into three categories: (i) That Vernon Broadcasting Co. (hereinafter, Vernon) is not financially qualified; (ii) that the applicant has not properly ascertained the programing needs of the Lebanon community and that an inordinate amount of its weekly broadcast time has been allocated for commercial matter; and (iii) that Vernon has violated § 1.65 of the Commission's rules by failing to amend its application to reflect the filing of a subsequent proposal with the Commission.

4. Regarding the question of the applicant's proposed financing, petitioner argues that issues are required to determine whether Vernon's estimated cost of construction and first-year operating expenses are reasonable. According to petitioner, the applicant's allocation of $7,950 to cover the total cost of equipment and construction, including land

[1] Aside from petitioner's AM and FM operations, one other FM facility is licensed to serve Lebanon. The city's population, according to the 1960 U.S. Census, is 10,512.

and building expenses, is unrealistic. Attached as Exhibit A to its petition to deny, petitioner has submitted its own detailed appraisal of allegedly realistic costs. Based on this appraisal it is claimed that Vernon's estimated equipment and construction expenses fall anywhere from $3,101 to $14,621 below what will actually be required. Similarly, petitioner attacks the reliability of Vernon's estimate that $30,000 will be sufficient to operate the proposed station for 1 year. In Exhibit B to the petition to deny, Theo F. Ezell, Jr., asserts that, based on his experience as president and general manager of Station WCOR, a sum of twice or three times that amount will realistically be required to operate a new AM facility in Lebanon.[2] Citing Sunset Broadcasting Corp., 5 FCC 2d 321, 8 RR 2d 821 (1966), petitioner contends that considering these allegedly insufficient expense estimates, a hearing is required to explore the feasibility of Vernon's financial position and its ability to construct and operate the proposed station for 1 year without recourse to prospective revenues. Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965).

5. In support of the reasonableness of its allocation of $7,950 to cover equipment and construction costs, the applicant alleges that it has already purchased a substantial amount of broadcast equipment formerly used by Station WKYF, Greenville, Ky. WKYF suffered a fire in 1966 and has since been silent. Vernon states that this equipment (now valued at $5,000) has been refurbished for use in its proposed Lebanon station. The amendment also contains an agreement from A. B. Chambers and his wife, Evelyn Chambers, to construct a transmitter building and to furnish studio space. Consideration for this agreement is a 5-year lease, with rental of $200 per month during the last 4 years of the lease period.[3] Furthermore, James C. Vernon, a party to the applicant and owner of Station WYGO, Corbin, Ky., has agreed to loan the proposed station any further equipment needed and the assistance of any of WYGO's engineers during its first year of operation. Based on these considerations, the applicant states that its only remaining major expenses will be $1,500 for acquisition of its antenna site and $2,500 for purchase and installation of its antenna system.[4]

6. The applicant maintains that an estimated $30,000 first-year operating budget is reasonable considering the rural nature of the Lebanon area where wage scales are lower than in metropolitan centers. In this regard, the applicant proposes a staff of four full-time and one part-time employees. Vernon also draws attention to the fact that it has not chosen to rely on revenues which it expects to earn during its first year of operation. To support its $30,000 budget, the applicant has submitted a proposed monthly operating statement detailing anticipated expenses. On the basis of this breakdown, Vernon estimates a total monthly operating expenditure of $2,595.

7. Upon careful examination of the applicant's financial proposal, the Commission finds that Vernon has failed to demonstrate its ability to construct and operate the proposed station for 1 year without revenues. Ultravision Broadcasting Co., supra. Even accepting, arguendo, the applicant's total estimate of $37,950 to cover construction, equipment, and first-year operational costs, we are not assured that Vernon has available sufficient liquid assets to meet its Ultravision requirements. The applicant relies solely on two sources of funds; i.e., stock subscriptions totaling $15,000, and a loan commitment, dated September 8, 1967, from the Corbin Deposit Bank and Trust Co. for $25,000. This loan, however, is contingent upon the signature of the applicant's stockholders to guarantee its repayment in their individual capacities. To date, these persons have not indicated their willingness to accept such contingent liability, and therefore the bank's letter cannot be included in a computation of the applicant's available funds. Orange Nine, Inc., 7 FCC 2d 788, 9 RR 2d 1157 (1967). Accordingly, a financial issue concerning the availability of this loan will be included.

8. With regard to the $7,950 Vernon allots for construction and equipment expense, we find that the amendments and pleadings filed by the applicant have failed to clarify basic ambiguities in its proposal. Vernon alleges that it has expended $5,000 for refurbished equipment formerly owned by WKYF. This equipment is listed on the applicant's balance sheet dated September 2, 1967. The Commission is informed that the funds used to purchase these items were obtained through advances from Vernon's principals, but no other particulars are given. The $5,000 expenditure is not otherwise reflected in any of the personal balance sheets submitted by the shareholders themselves, either as a receivable or as a possible credit toward their subscription obligation. Also with respect to this refurbished equipment (itemized by the applicant as, a transmitter, modulation and frequency monitors, a studio board, and two tape recorders), petitioner has pointed out that these items were apparently declared a total loss by WKYF. The applicant makes no attempt to clarify this ambiguity, but simply states that it purchased the equipment, already refurbished, from Vernon Broadcasting, Inc., a corporation in which James C. Vernon (who owns 51 percent interest in the applicant) is the president and 40 percent shareholder.[5] In addition, a question arises as to just what equipment the applicant actually has on hand. In the engineering portion of its application Vernon describes its transmitter as a "Gates, BC–1F, 1 kw". On its corporate balance sheet, however, the applicant lists its transmitter (referring apparently to refurbished equipment formerly owned by WKYF) as an "RCA–BTA–1,000". Furthermore, in a recent statement, James C. Vernon, in itemizing the fire damaged equipment purchased from WKYF alluded to "1 RCA 250 watt transmitter".[6] In view of these inconsistent statements concerning the transmitter, we conclude that issues are required to ascertain the nature of the equipment Vernon actually has on hand, the reasonable value of this equipment, and whether in light of these findings the applicant has realistically estimated its construction and equipment expenses during its first year of operation.

9. Finally, we find that based on its own detailed breakdown of anticipated monthly expenses, the applicant has failed to demonstrate that $30,000 is a realistic estimate of first-year operating expenses. Even assuming, arguendo, that $2,595 is an accurate estimate of monthly expenses, on the basis of this figure alone, Vernon would require $31,140 to operate the station for 1 full year. Therefore, even without reference to petitioner's contention that operating expenses have been grossly underestimated, an issue must be included to determine the basis of the applicant's estimated expenses for the first year of operation.

10. Petitioner maintains that the applicant has failed to show that its program proposals are designed to meet the needs and interests of the public in Lebanon. It is alleged that the applicant's program proposal submitted herein is virtually identical to that filed with the application for assignment of Stations WKYF and WKYF–FM, Greenville, Ky., to Vernon Broadcasting, Inc. (File Nos. BAL–5976 and BALH–949).[7]

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[2] According to Ezell, the operational expenses of WCOR (AM only) during the last 5 years have varied annually from approximately $68,000 to approximately $94,000. WCOR is authorized to operate during daytime hours only. The applicant's proposal, if granted, would be similarly limited.

[3] A. B. Chambers is the stepfather of James C. Vernon, the principal shareholder in the applicant.

[4] In disputing the applicant's equipment expense estimates, petitioner alleges that the antenna system proposed by Vernon will cost at least $4,401. The petition to deny also notes that although Vernon has specified a remote control operation in its application, the applicant has made no expense allocation in this regard. According to petitioner, a suitable remote control unit will cost approximately $1,200.

[5] On Jan. 24, 1967, an application (File Nos. BAL–5976 and BALH–949) was filed for assignment of the licenses of Stations WKYF and WKYF–FM to Vernon Broadcasting, Inc. As part of the assignment application, WKYF submitted as "Exhibit #3" a schedule of equipment salvaged from the fire which caused the stations to go silent. None of the equipment relied upon by the applicant was listed by WKYF as salvagable. According to WKYF's exhibit "all other equipment was declared a total loss by engineers; however some of this equipment could be used for spare parts * * *. No monetary value will be placed on this equipment."

[6] This statement is attached to a "Petition to Dismiss or Designate for Hearing" submitted on Feb. 20, 1968, by Howard F. Spinks in opposition to applications for renewal and assignment of license filed by WKYF (File Nos. BR–4399 and BAL–6248).

[7] As noted previously (see paragraph 8), James C. Vernon is a party to both the applicant corporation herein (i.e., Vernon Broadcasting Co.) and the above-referenced assignee corporation (i.e., Vernon Broadcasting, Inc.). The WKYF assignment application was filed Jan. 27, 1967. It was subsequently dismissed on Aug. 18, 1967, at the request of the assignee corporation.

Petitioner argues that there are obvious differences between the communities of Greenville and Lebanon suggesting differing broadcast needs and interests. Because of the similarity of the two programing proposals, petitioner contends that a presumption arises that both applications were completed without the applicants having ascertained the particular needs of the two communities. Lindsay Broadcasting Co., FCC 61–1497, 22 RR 805 (1961). Petitioner further alleges that Vernon's survey of 18 Lebanon residents does not qualify as a "realistic effort" to ascertain the programing needs of that community. In a statement attached to its petition to deny, petitioner's president and general manager states that all of the specific locales referred to as interview points in Vernon's programing survey are within a two-block area, on the public square, in Lebanon. Moreover, it is asserted that the persons actually interviewed were not community leaders or representatives of any particular group or interest and that the interviews themselves were at most cursory. Therefore, the petitioner concludes that Vernon's survey consisted merely of a brief, unplanned, and unrepresentative canvass of various persons located at random around the city's public square.

11. In reply to these allegations, the applicant does not deny the similarity between its program proposal and that contained in the dismissed application for assignment of Stations WKYF and WKYF–FM. It argues, however, that as a matter of logic any criticism involved would be valid only against the assignment application, since that proposal was submitted subsequent to the date of filing the instant proposal. According to the applicant, "if another corporation in which James Vernon was a principal simply copied certain program proposals for the Greenville application * * * there is no reason to question the Lebanon programing simply because it was later copied." The applicant further argues that the Greenville assignment application was supported by a separate programing survey of its own, and that on this basis it was decided that Greenville's needs would be served by a programing schedule similar to that proposed in the instant Lebanon application. This decision, the applicant contends, was in keeping with the allegedly similar nature of the Lebanon and Greenville communities. With regard to its Lebanon programing survey, Vernon submits a breakdown intending to show that 13 of the 18 persons originally identified were in fact representative of the needs and interests of the Lebanon area. Additionally, the applicant states that it interviewed many more persons than the 18 originally listed.

12. The Commission finds that an issue is required to determine what efforts the applicant has made to ascertain the programing needs of the Lebanon area and the manner in which it proposes to meet such needs. It has long been Commission policy to question whether the programing proposals have been tailored to meet the needs of the proposed service area, where, as here, the applicant has submitted nearly identical programing proposals for different communities. Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961); Lindsay Broadcasting Co., supra. Vernon's argument as to the time sequence in which the programing proposals for the two applications were prepared does not free the Lebanon application from question; on the contrary, as petitioner has pointed out, it goes to the essence of the qualifications of the applicant. Regardless of which application was prepared first, utilization of a pat programing proposal is basically inconsistent with the requirement for ascertaining the particular needs of the community to be served. The applicant's explanation serves only to cast further doubt on the adequacy of its efforts to determine the needs of the Lebanon community. We also find questionable Vernon's factually unsupported contention that Lebanon and Greenville are similar communities. From the standpoint of programing needs the two cities appear markedly different: they are approximately 85 miles apart, are located in different States, differ considerably in population, and have different available radio services.[8]

13. As to the adequacy of the applicant's survey, we take this opportunity to reiterate several important points. Petitioners argue that the survey is quantitatively deficient in that only 18 persons were allegedly interviewed. Assuming, however, that a small sample is sufficient in a community the size of Lebanon, such sample must be representative. It must, as stated in our En Banc Programing Inquiry, 20 RR 1901, 1915 (1960) cover both the listening public who will receive the signal and community leaders, i.e., representatives of political, educational, business, professional, and eleemosynary groups, who speak for informed group opinion in the community. See Brown Broadcasting Co., Inc., 9 FCC 2d 168, 10 RR 2d 868 (1967). With respect to the general listening public, the applicant relies upon interviews with the 18 identified persons and an indeterminate number of other Lebanon residents. Regarding the unidentified group, the Commission has held that failure to identify program contacts raises a question of compliance with Suburban criteria. Azalea Corp., FCC 67–756, 10 RR 2d 717 (1967). Even with reference to the 18 identified persons, no indication of the length or nature of the conversation is given. All that the applicant supplies is a brief outline of the person's name, his occupation, and a generalized one or two word summation of his conclusion as to desired types of programing. As was noted in the Brown case, supra, while informal contacts in a small town are not in themselves inappropriate, they must nevertheless be sufficiently meaningful to provide the applicant with the very information sought by the survey, and equally important, they must be sufficiently documented for the Commission to conclude that the applicant has achieved the requisite knowledge. Of these 18 persons, Vernon has attempted to show that 13 are representative of civic and business life in the Lebanon area. Without commenting on petitioner's contentions that the applicant's interviewer merely made haphazard contacts around the Lebanon public square, we find that its effort to canvass community leaders was inadequate. Its submitted breakdown consists of 10 businessmen, one construction worker, one clerk, and the secretary of the local chamber of commerce. With the exception of the business community, this effort falls far short of any representative cross-section of informed community opinion. Cf. Andy Valley Broadcasting System, Inc., FCC 68–290, released March 18, 1968, 12 RR 2d 691.

14. Recently, in Minshall Broadcasting Company, Inc., 11 FCC 2d 796, 12 RR 2d 502 (1968), the Commission once again cautioned applicants that, in keeping with the revision of section IV of Form 301, it is necessary to provide full information on the steps they have taken to inform themselves of the real needs and interests of the area to be served, on the suggestions they have received, on the applicant's evaluation of these suggestions, and on the programing that the applicants propose to meet the community needs as they have been evaluated. In view of the aforementioned inadequacies in Vernon's survey and the absence of evaluation detailing the suggestions it received or the manner in which these suggestions will be reflected in its programing proposal, we conclude that the applicant has not provided sufficient information for us to determine whether it is aware of and responsive to the needs of the Lebanon area.[9] Accordingly, a Suburban issue will be required so that Vernon can demonstrate its efforts to ascertain the programing needs and interests of Lebanon and the manner in which it proposes to meet those needs and interests.

15. Petitioners have also alleged that an inordinate amount of the applicant's weekly broadcast time has been allocated for commercial matter. By amendment filed September 12, 1967, Vernon altered its percentage of time to be devoted to commercial matter, explaining that its initial allocation was based on a misunderstanding of the revised programing form. The applicant now specifies a

[8] According to the 1960 U.S. Census, Lebanon (population—10,512) is approximately three times the size of Greenville (population—3,198). The one AM and one FM facility licensed to Greenville are both currently silent. Lebanon, on the other hand, already has one AM facility as well as two FM stations.

[9] Both the applicant and petitioner discuss the degree of familiarity with the Lebanon area possessed by the applicant's principal shareholder. As noted recently in Andy Valley Broadcasting System, Inc., supra, the revised section IV of Form 301 makes a programing survey mandatory. Any suggestion, therefore, that alleged familiarity with the proposed service area may suffice either as a substitute for an acceptable survey of community needs or in lieu of evaluation and reflection of these needs in the applicant's programing proposal, is misplaced.

maximum of 30 percent commercial matter during all broadcast hours.

16. The final objection raised by petitioner concerns Vernon's alleged violation of § 1.65 of the Commission's rules for failure to amend the instant application to make proper cross-reference to the subsequently filed assignment application for WKYF and WKYF–FM.[10] As indicated above, James C. Vernon, 51 percent shareholder of the applicant, is also president and 40 percent shareholder of Vernon Broadcasting, Inc., the former proposed assignee of the Greenville, Ky., stations. According to petitioners the nondisclosure of the assignment application raises a question as to applicant's character qualifications, especially in view of the identity of the two programing proposals involved. Attention is also drawn to the fact that the Greenville proposal represented a further financial commitment on the part of James C. Vernon which was not reflected in the Lebanon application. The applicant replies that there was no intent to mislead the Commission, and that failure to amend the instant proposal to reflect the Greenville application was a mere oversight on its part. It is pointed out that the Greenville application, which has since been dismissed, did in fact discuss the pendency of the Lebanon proposal.

17. Since the Greenville assignment application properly noted the pendency of the instant Lebanon proposal, there would appear to be no deliberate attempt at concealment on the part of the applicant. On the other hand, as is clear from the preceding discussion, the details of the assignment application were intimately related to the applicant's financial and programing qualifications and may be of decisional significance in the present case. In the past, issues concerning failure to disclose and/or update pending applications have generally been considered only as to their effect on an applicant's comparative qualifications. See Minshall Broadcasting Co., Inc., 10 FCC 2d 647, 11 RR 2d 754 (1967); Adirondack Television Corp., 6 FCC 2d 156, 8 RR 2d 1311 (1966). Petitioner has pointed out, however, that in Romac Baton Rouge Corp., 7 FCC 2d 564, 9 RR 2d 1029 (1967), an issue was added making clear that an applicant's failure to amend its application to show the filing of subsequent applications was potentially disqualifying. Under the circumstances of this case, where the omission in question bears directly upon other matters that must be determined in hearing, the problem can best be resolved by adding issues in order to permit the Examiner to consider the impact of the applicant's failure to amend. Therefore, an issue will be added to determine whether Vernon's failure to keep its application up-to-date, as required by § 1.65 of the rules, reflects adversely on the applicant, and whether, in light of the Examiner's findings pursuant to this issue, a grant of the application would be in the public interest.

18. From the information before the Commission it appears that except as indicated by the issues below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application will serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

19. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine:

a. The nature of the equipment the applicant has on hand for use in its proposed station and the reasonable value of that equipment.

b. The basis for the applicant's estimate of construction and equipment costs.

c. The basis of the applicant's estimated operating expenses for the first year of operation.

d. Whether the applicant's stockholders are willing to guarantee in their individual capacities repayment of a $25,000 loan from Corbin Deposit Bank and Trust Co., Corbin, Ky.

e. In light of the evidence adduced pursuant to a, b, c, and d above, whether the applicant is financially qualified to operate the proposed station for 1 year without revenues.

(2) To determine the efforts made by the applicant 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.

(3) To determine whether the applicant has failed to keep the Commission advised of substantial changes of decisional significance as required by § 1.65 of the Commission's rules.

(4) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

20. *It is further ordered,* That Lebanon Broadcasting Co., Inc., licensee of Stations WCOR and WCOR–FM, Lebanon, Tenn., is made a party to the proceeding.

21. *It is further ordered,* That the petition to deny filed by Lebanon Broadcasting Co., Inc., is granted to the extent indicated above and is denied in all other respects.

22. *It is further ordered,* That in the event of a grant of the application, the construction permit shall contain the following condition: Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

23. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

24. *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: May 15, 1968.

Released: May 22, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[11]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–6324; Filed, May 27, 1968; 8:48 a.m.]

[Docket No. 18178; FCC 68M–821]

VERNON BROADCASTING CO.

Order Scheduling Hearing

In re application of Vernon Broadcasting Co., Lebanon, Tenn., Docket No. 18178, File No. BP–17551; for construction permit:

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on July 30, 1968, at 10 a.m.; and that a prehearing conference shall be held on July 3, 1968, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: May 20, 1968.

Released: May 22, 1968.

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

[F.R. Doc. 68–6325; Filed, May 27, 1968; 8:48 a.m.]

[10] Section 1.65 of the rules requires that whenever the information contained in a pending application is no longer substantially accurate and complete in all significant aspects, the applicant shall, within 30 days, unless good cause is shown, attempt to amend his application to provide the correct information.

[11] Commissioners Hyde, Chairman; and Loevinger absent.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

MAY 22, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1968, through June 1, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-6275; Filed, May 27, 1968; 8:45 a.m.]

[File No. 2-14698]

CORMAC CHEMICAL CORP.

Order Suspending Trading

MAY 22, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cormac Chemical Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 23, 1968, through June 1, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-6276; Filed, May 27, 1968; 8:45 a.m.]

[811-1516]

SOUTHERN INVESTMENT FUND, INC.

Notice of Filing of Application for Order Declaring Company No Longer Investment Company

MAY 22, 1968.

Notice is hereby given that Southern Investment Fund, Inc. ("Applicant"), 417 Eighth Street South, Columbus, Miss. 39701, a management closed-end diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was organized on April 11, 1967, under the laws of the State of Mississippi and registered under the Act July 21, 1967. All of the outstanding securities of Applicant are owned by 19 persons. Applicant also represents that it is not making and does not presently contemplate making any public offering of its securities.

Section 3(c)(1) of the Act excludes from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides that when the Commission, upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 10, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-6277; Filed, May 27, 1968; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-6225 etc.]

SINGER-FLEISCHAKER OIL CO. ET AL.

Findings and Order

MAY 20, 1968.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successors co-respondents, redesignating proceedings, accepting agreement and undertaking for filing, requiring filing of agreement and undertaking and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of Texas are authorized to be made at the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Singer-Fleischaker Oil Co. et al., Applicant in Docket Nos. G-9426, G-13719, and G-18767, proposes to continue in toto the sales of natural gas heretofore authorized in said dockets to be made pursuant to various rate schedules of Union Texas Petroleum, a division of Allied Chemical Corp. Said rate schedules will be redesignated as those of Applicant. Applicant also proposes in Docket No. CI68-1108 to continue in part the sale of natural gas heretofore authorized in Docket No. CI61-1655 to be made by Union Texas Petroleum. The contract comprising Union Texas Petroleum's rate schedule for the sale authorized in the

latter docket will also be accepted for filing as a rate schedule of Applicant. The presently effective rates under Union Texas Petroleum's rate schedules are in effect subject to refund in the following proceedings:

Certificate Docket No.	Predecessor's FPC gas rate schedule No.	Rate proceeding Docket No.
G–9426	34	RI65–126.
G–13719	46	G–20436, RI65–338.
G–18767	55	RI62–437, RI67–432.
CI68–1108	61	RI66–290.

Applicant has filed a motion to be made a co-respondent in said proceedings together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made co-respondent in said proceedings; the proceedings will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

Herman George Kaiser (Operator) et al., Applicant in Docket Nos. CI68–1119 and CI68–1120, proposes to continue in toto sales of natural gas heretofore authorized in Docket No. CI62–468 and in Docket Nos. G–11242 and G–16391, respectively, pursuant to Shell Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 259 and Shell Oil Co. FPC Gas Rate Schedule No. 145, respectively. Applicant proposes in Docket Nos. CI68–1118 and CI68–1120 to continue in part sales of natural gas heretofore authorized in Docket Nos. CI61–737 and G–12233, respectively, to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule Nos. 243 and 145, respectively. Docket No. CI68–1119 will be canceled and the certificate issued to Shell in Docket No. CI62–468 will be amended by substituting Applicant as certificate holder. Certificates will be issued to Applicant in Docket Nos. CI68–1118 and CI68–1120. Shell's FPC Gas Rate Schedule No. 259 will be redesignated as that of Applicant, and the contracts comprising Shell's FPC Gas Rate Schedule Nos. 145 and 243 will also be accepted for filing as Applicant's rate schedules. The presently effective rates under Shell's FPC Gas Rate Schedule Nos. 145, 243, and 259 are in effect subject to refund in Docket Nos. RI67–236, RI65–475, and RI64–84, respectively. Applicant has filed motions in Docket Nos. RI64–84 and RI67–236 to be made co-respondent in said proceedings together with agreements and undertakings to assure the refunds of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made a co-respondent in the proceedings pending in Docket Nos. RI64–84, RI65–475, and RI67–236; said proceedings will be redesignated accordingly; the agreements and undertakings submitted in Docket Nos. RI64–84 and RI67–236 will be accepted for filing; and Applicant will be required to file an agreement and undertaking in Docket No. RI65–475.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 9, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments, and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI65–1366 and CI68–1119 should be canceled and that the applications filed therein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. G–15116 and CI62–468, respectively.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–6225, G–8295, G–9426, G–12352, G–13209, G–13719, G–14950, G–15116, G–18767, CI62–468, CI63–464, CI63–470, CI64–175, CI64–545, CI65–80, CI66–80, CI66–239, CI66–301, CI67–651, CI67–1085, and CI68–206 should be amended as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a certificate of public convenience and necessity should be issued in Docket No. CI68–1120 authorizing Applicant to continue the sales of natural gas heretofore authorized by the predecessor in Docket Nos. G–11242 and G–16391; and that the certificates issued in the latter dockets should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–8816	CI66–239
G–10827	CI66–239
G–12233	CI68–1120
G–12671	CI63–464
G–12671	CI63–470
G–14855	CI68–1116
CI61–737	CI68–1118
CI61–979	CI68–1109
CI61–1655	CI68–1108
CI63–1300	CI64–545

(9) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI65–172 should be terminated.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Singer-Fleischaker Oil Co et al., should be made co-respondent in the proceedings pending in Docket Nos. G–20436, RI62–437, RI65–126, RI65–338, RI66–290, and RI67–432, that said proceedings should be redesignated accordingly, and that the agreement and undertaking submitted in said proceedings by Singer-Fleischaker should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Herman George Kaiser (Operator) et al., should be made a co-respondent in the proceedings pending in Docket Nos. RI64–84, RI65–475, and RI67–236, that said proceedings

should be redesignated accordingly, that the agreements and undertakings submitted by Kaiser in Docket Nos. RI64–84 and RI67–236 should be accepted for filing, and that Kaiser should be required to file an agreement and undertaking in Docket No. RI65–475.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 7 in the attached tabulation.

(E) The initial rates for sales authorized in Docket Nos. G–15116, CI66–301, and CI68–1056 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower.

(F) If the quality of the gas delivered by Applicants in Docket Nos. G–15116, CI66–301, and CI68–1056 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 90 days from the date of initial delivery Applicants in Docket Nos. G–15116, CI66–301, and CI68–1056 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A.

(H) The initial rate for sales authorized in Docket Nos. CI68–774 and CI68–786 shall be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its policy statement No. 61–1, by adjusting the boundary between the Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas in the area involved herein, Applicants thereupon may substitute the new rates reflecting the amounts of such increases, and thereafter collect such new rates prospectively in lieu of the initial rate herein required.

(I) The certificate issued herein in Docket No. CI68–1020 is conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(J) The certificate issued herein in Docket No. CI68–1107 involving the sale of gas by Southern Union Production Company, to its affiliate, Western Gas Interstate Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(K) A certificate is issued herein in Docket No. CI68–1081 authorizing Applicant to continue the sale of natural gas which was initiated without prior Commission authorization by the predecessor.

(L) Docket Nos. CI65–1366 and CI68–1119 are canceled.

(M) The certificates heretofore issued in Docket Nos. G–12352, G–14950, G–15116, CI63–464, CI63–470, CI64–175, CI64–545, CI65–80, CI66–239, CI66–301, CI67–1085, and CI68–206 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(N) A certificate of public convenience and necessity is issued herein in Docket No. CI68–1120 authorizing Applicant to continue the sales of natural gas heretofore authorized to be made by the predecessor in Docket Nos. G–11242 and G–16391 and the certificates heretofore issued in Docket Nos. G–11242 and G–16391 are terminated.

(O) The certificates heretofore issued in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–8816	CI66–239
G–10827	CI66–239
G–12233	CI68–1120
G–12671	CI63–464
G–12671	CI63–470
G–14855	CI68–1116
CI61–737	CI68–1118
CI61–979	CI68–1109
CI61–1655	CI68–1108
CI63–1300	CI64–545

(P) The certificates heretofore issued in Docket Nos. G–6225, G–8295, G–9426, G–13209, G–13719, G–18767, CI62–468, CI66–80, and CI67–651 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(Q) The acceptance for filing of the related rate filings in Docket Nos. G–6225, G–8295, G–9426, G–13209, G–13719, G–18767, CI66–80, CI67–651, CI68–1108, and CI68–1109 is contingent upon Applicant's filing three copies of a billing statement for each rate schedule involved as required by the regulations under the Natural Gas Act.

(R) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(S) Permission for and approval of the abandonment in Docket No. CI68–1025 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the related rate suspension proceedings pending in Docket Nos. G–18844, RI60–27, RI65–39, and RI65–626 for sales from the King Plant.

(T) The certificate heretofore issued in Docket No. G–3662 is terminated only insofar as it pertains to Edwin L. Cox (Operator) et al., FPC Gas Rate Schedule No. 43.

(U) The certificates heretofore issued in Docket Nos. G–15889, G–18775, CI60–314, CI61–565, CI62–160, CI62–819, CI64–1249, CI66–519, CI66–648, and CI67–1189 are terminated.

(V) The rate suspension proceeding pending in Docket No. RI65–172 is terminated.

(W) Singer-Fleischaker Oil Co., et al., is made a co-respondent in the proceedings pending in Docket Nos. G–20436, RI62–237, RI65–126, RI65–338, RI66–290,

and RI67–432; said proceedings are redesignated accordingly; [1] and the agreement and undertaking submitted by Singer-Fleischaker in said proceedings is accepted for filing.

(X) Singer-Fleischaker Oil Co., et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Singer-Fleischaker in Docket Nos. G–20436, RI62–437, RI65–126, RI65–338, RI66–290, and RI67–432 shall remain in full force and effect until discharged by the Commission.

(Y) Herman George Kaiser (Operator) et al., is made a co-respondent in the proceedings pending in Docket Nos. RI64–84, RI65–475, and RI67–236; said proceedings are redesignated accordingly; [2] and the agreements and undertakings submitted by Kaiser in Docket Nos. RI64–84 and RI67–236 are accepted for filing.

(Z) Within 30 days from the issuance of this order, Herman George Kaiser (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI65–475 with respect to sales made pursuant to his FPC Gas Rate Schedule No. 7 [3] to assure the refund of any amounts collected by him, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(AA) Herman George Kaiser (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by him in Docket Nos. RI64–84, RI65–475, and RI67–236 shall remain in full force and effect until discharged by the Commission.

(BB) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–6225 E 3–11–68	Singer-Fleischaker Oil Co. et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Lone Star Gas Co., acreage in Garvin County, Okla.	Union Texas Petroleum, a division of Allied Chemical Corp., FPC GRS No. 23.	4	
			Supplement No. 1	4	1
			Notice of succession (Undated).		
			Conveyance 12–28–67 [1]	4	2
			Effective date: 12–31–67		
G–8295 E 3–11–68	do	Lone Star Gas Co., Golden Trend Field, Garvin County, Okla.	Union Texas Petroleum, a division of Allied Chemical Corp., FPC GRS No. 62.	5	
			Supplement No. 1	5	1
			Notice of succession (Undated).		
			Conveyance 12–28–67 [1]	5	2
			Effective date: 12–31–67		
G–9426 E 3–11–68	Singer-Fleischaker Oil Co. (Operator) et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.).	Wunderlich Development Co., Dillworth Field, Kay County, Okla.	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., FPC GRS No. 34.	6	
			Supplement Nos. 1–4	6	1–4
			Notice of succession (Undated).		
			Conveyance 12–28–67 [1]	6	5
			Effective date: 12–31–67		
G–12352 D 3–5–68	Sinclair Oil & Gas Co. (partial abandonment).	Texas Gas Transmission Corp., West Lisbon Field, Claiborne Parish, La.	Notice of partial cancellation 3–6–68. [2] [3]	138	8
G–13209 E 3–11–68	Singer-Fleischaker Oil Co. et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Union Texas Petroleum, a division of Allied Chemical Corp., FPC GRS No. 44.	7	
			Supplement Nos. 1–2	7	1–2
			Notice of succession (undated).		
			Conveyance 12–28–67 [1]	7	3
			Effective date: 12–31–67		
G–13719 E 3–11–68	do	Cities Service Gas Co., Northeast Vining Field, Grant and Alfalfa Counties, Okla.	Union Texas Petroleum, a division of Allied Chemical Corp., FPC GRS No. 46.	8	
			Supplement Nos. 1–4	8	1–4
			Notice of succession (undated).		
			Conveyance 12–28–67 [1]	8	5
			Effective date: 12–31–67		
G–14050 D 2–23–68	Gulf Oil Corp. (Operator) et al.	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	Letter agreement 2–1–68. [3] [4]	193	21
G–18767 E 3–11–68	Singer-Fleischaker Oil Co. et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Colorado Interstate Gas Co., Southwest Camp Creek Field, Beaver County, Okla.	Union Texas Petroleum a division of Allied, Chemical Corp., FPC GRS No. 55.	9	
			Supplement Nos. 1–2	9	1–2
			Notice of succession (undated).		
			Conveyance 12–28–67 [1]	9	3
			Effective date: 12–31–67		
CI63–464 (G–12671) C 3–12–68 [5]	Mobil Oil Corp.	Transcontinental Gas Pipe Line Corp., La Gloria Field, Jim Wells and Brooks Counties, Tex.	Assignment 8–16–67 [6]	318	30
			Effective date: 9–1–67		
CI63–470 (G–12671) C 3–14–68 [5]	do	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	Assignment 8–16–67 [6]	320	17
			Effective date: 9–1–67		
CI64–175 C 3–18–68 [7]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	Letter agreement 2–5–68. [8]	363	20
CI64–545 (CI63–1300) C 3–5–68 [9]	Sinclair Oil & Gas Co.	Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla.	Letter agreement 12–11–67. [8]	202	2
			Effective date: 6–1–67		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] Docket No. G–20436, Union Texas Petroleum, a division of Allied Chemical Corp. and Singer-Fleischaker Oil Co., et al.; Docket No. RI62–437, Union Texas Petroleum, a division of Allied Chemical Corp. and Singer-Fleischaker Oil Co., et al.; Docket No. RI65–126, Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., and Singer-Fleischaker Oil Co. (Operator) et al.; Docket No. RI65–338, Union Texas Petroleum, a division of Allied Chemical Corp. and Singer-Fleischaker Oil Co., et al.; Docket No. RI66–290, Union Texas Petroleum, a division of Allied Chemical Corp., et al., and Singer-Fleischaker Oil Co., et al.; Docket No. RI67–432, Union Texas Petroleum, a division of Allied Chemical Corp. and Singer-Fleischaker Oil Company, et al.

[2] Docket No. RI64–84, Shell Oil Co. (Operator) et al., and Herman George Kaiser (Operator) et al.; Docket No. RI65–475, Applicant is presently designated as a co-respondent; Docket No. RI67–236, Shell Oil Co. and Herman George Kaiser (Operator) et al.

[3] Contract also on file with the Commission as Shell Oil Co. FPC Gas Rate Schedule No. 243.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-80 ..... C 3-12-68 [7]	J. C. Baker & Son, Inc.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Letter agreement 1-4-68.[5]	1	3
CI65-1366 ..... (G-15116) C 6-24-65 [10]	MWJ Producing Co. (Operator), agent.[11]	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Letter agreement 4-29-65.[5 12]	1	9
CI66-80 ..... E 3-11-68	Singer-Fleischaker Oil Co. (Operator) et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.).	Arkansas Louisiana Gas Co., Star Lacy Area, Kingfisher County, Okla.	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., FPC GRS No. 82.	10	.....
			Supplement No. 1	10	1
			Notice of succession (undated).	.....	.....
			Conveyance 12-28-67 [1] ...	10	2
			Effective date: 12-31-67	.....	.....
F CI66-239 ..... (G-8816) (G-10827) C 3-18-68 [13]	Joseph F. Fritz (Operator) et al.	United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Pearl River County, Miss.	Amendment 3-15-68 [14] ...	1	12
			Letter agreement 12-15-67.[15]	1	13
			Assignment 12-18-67 [16] ...	1	14
CI66-301 ..... C 1-17-68	Frio-Tex Oil & Gas Co. (Operator) et al.[17]	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	Supplement agreement 11-20-67.[15]	2	2
CI67-651 ..... E 3-11-68	Singer-Fleischaker Oil Co. (Operator) et al. (successor to Union-Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al.).	Arkansas Louisiana Gas Co., Southwest Lacy Field, Kingfisher County, Okla.	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., FPC GRS No. 89.	11	.....
			Notice of succession (Undated).	.....	.....
			Conveyance 12-28-67 [1] ...	11	1
			Effective date: 12-31-67	.....	.....
CI67-1085 ..... C 2-15-68 [7]	Sunray DX Oil Co.	Oklahoma Natural Gas Gathering Corp.,[19] Ringwood Field, Major County, Okla.	Amendment 1-27-67 [5] ...	[20] 274	3
CI68-206 ..... C 3-14-68	Midwest Oil Corp.	Arkansas Louisiana Gas Co., Mansfield Field, Scott County, Ark.	Amendment 2-26-68 [5] ...	45	3
CI68-774 ..... A 12-27-67 [7]	J. C. Barnes Oil Co. (Operator) et al.	Panhandle Eastern Pipe Line Co., Aledo Field, Custer and Dewey Counties, Okla.	Contract 12-7-67	2	.....
			Compliance 3-14-68 [21] ...	2	1
CI68-786 ..... A 12-28-67 [7]	Cities Service Oil Co.	do	Contract 12-7-67	221	.....
			Compliance 3-11-68 [21] ...	221	1
CI68-1020 ..... A 2-23-68 [7]	J. M. Huber Corp.	Panhandle Eastern Pipe Line Co., Feldman (Upper Morrow) Field, Hemphill County, Tex.	Contract 12-14-67	80	.....
			Compliance 3-18-68 [21] ...	80	1
CI68-1025 ..... (CI62-160) B 2-19-68	Sinclair Oil & Gas Co. (Operator).	El Paso Natural Gas Co., King Plant, Lea County, N. Mex.	Notice of cancellation (Undated). [5 23]	222	8
			Letter agreement 1-25-68. [5 23a]	168	7
CI68-1054 ..... (G-18775) B 3-1-68	Fairman Drilling Co. ...	The Sylvania Corp., Boon Mountain Field, Clearfield County, Pa.	Notice of cancellation 2-28-68.[5 1]	21	1
CI68-1055 ..... (CI60-314) B 3-1-68	do	United Natural Gas Co., Penfield Field, Clearfield County, Pa.	Notice of cancellation 2-28-68.[5 1]	24	1
CI68-1056 ..... A 2-29-68	Forest Oil Corp. (Operator) et al.[24]	El Paso Natural Gas Co., Linterna Field, Pecos County, Tex.	Contract 1-18-68 [5]	40	.....
CI68-1067 ..... (CI62-819) B 3-4-68	W. H. Mossor d.b.a. Knapp Oil & Gas Co.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	Notice of cancellation 3-1-68.[5 23]	50	1
CI68-1081 ..... A 3-4-68 [7 25]	James Fisher	Cumberland & Allegheny Gas Co., Freeman's Creek District, Lewis County, W. Va.	Contract 11-3-61 [26]	1	.....
			Assignment 6-27-66 [27] ...	1	1
			Assignment 5-10-67 [27] ...	1	1
			Assignment 10-4-66 [28] ...	1	3
			Effective date: 10-4-66	.....	.....
CI68-1088 ..... (CI64-1249) B 3-8-68	A. A. Pursley	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	Notice of cancellation 3-7-68.[5 23]	1	5
CI68-1092 ..... (CI61-565) B 3-11-68	Olin B. Wetzel et al., d.b.a. Bower, Hall, and Wetzel.	Consolidated Gas Supply Corp., Freeman's Creek District, Lewis County, W. Va.	Notice of cancellation 3-8-68.[5 23]	3	1
CI68-1093 ..... A 3-11-68 [7]	Southwestern Natural Gas, Inc.	Diamond Shamrock Corp., Farnsworth (Lower Morrow) Field, Ochiltree County, Tex.	Contract 2-13-68 [5]	5	.....
CI68-1105 ..... A 3-14-68 [7]	R. J. Patrick (Operator) et al.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	Contract 1-15-68 [5]	1	.....
CI68-1106 ..... A 3-14-68 [7]	Horizon Oil & Gas Co. of Texas (Operator) et al.	Colorado Interstate Gas Co., Adams Ranch Field, Meade County, Kans.	Contract 2-8-68 [5 29]	5	.....
CI68-1107 ..... A 3-14-68 [7]	Southern Union Production Co.	Western Gas Interstate Co., acreage in Hansford County, Tex.	Contract 2-21-68 [5]	25	.....
CI68-1108 ..... (CI61-1655) F 3-11-68	Singer-Fleischaker Oil Co. et al. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Warren Petroleum Corp. and Oklahoma Natural Gas Gathering Corp., acreage in Major County, Okla.	Contract 3-29-61 [30]	12	.....
			Assignment 4-1-61	12	1
			Conveyance 12-28-67 [1] ...	12	2
			Effective date: 12-31-67	.....	.....
CI68-1109 ..... (CI61-979) F 3-11-68	do	Cities Service Gas Co., North Norman Prue Field, Cleveland County, Okla.	Contract 12-6-60 [31]	13	.....
			Conveyance 12-28-67 [1] ...	13	1
			Effective date: 12-31-67	.....	.....
CI68-1112 ..... A 3-14-68 [7]	Norwood P. Johnston, d.b.a. Muskingum Drilling Co.	The River Gas Co., Williams District, Wood County, W. Va.	Contract 8-23-67 [5]	1	.....
CI68-1113 ..... A 3-15-68 [7]	Stephens Production Co.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Ratified 5-12-64 [32]	3	.....
			Contract 5-24-62 [33]	3	1
			Amended 6-7-67 [34]	3	2
			Letter agreement 6-7-67.[5 35]	3	3
CI68-1116 ..... (G-14855) F 3-13-68	John E. Schalk et al. (successor to United States Smelting, Refining, and Mining Co.).	El Paso Natural Gas Co., Ballard Pictured Cliff Field, Rio Arriba County, N. Mex.	Contract 3-20-58 [35]	2	.....
			Assignment 10-3-67 [37] ...	2	1
			Assignment 12-18-67 [5 38]	2	2
CI68-1118 ..... (CI61-737) F 3-11-68	Herman George Kaiser (Operator) et al. (successor to Shell Oil Co.).	Transwestern Pipeline Co., Twitchell Field, Ochiltree County, Tex.	Contract 9-23-60 [39]	7	.....
			Letter agreement 10-24-60.	7	1
			Letter agreement 2-14-63.	7	2
			Letter agreement 2-24-65.	7	3
			Letter agreement 4-29-66.	7	4
			Conveyance 2-29-68 [40] ...	7	5
			Effective date: 3-1-68	.....	.....
CI68-1119 ..... (CI62-468) E 3-11-68 [41]	Herman George Kaiser (Operator) et al. (successor to Shell Oil Co. (Operator) et al.).	Lone Star Gas Co., Stage Stand Field, Stephens County, Okla.	Shell Oil Co. (Operator) et al., FPC GRS No. 259.	8	.....
			Supplement Nos. 1-2	8	1-2
			Notice of succession (Undated).	.....	.....
			Conveyance 2-29-68 [40] ...	8	3
			Effective date: 3-1-68	.....	.....
CI68-1120 ..... (G-12233) [42] (G-11242) [42] (G-16391) [42] F 3-11-68	Herman George Kaiser (Operator) et al., (successor to Shell Oil Co.).	Northern Natural Gas Co., West Perryton, Perryton and Farnsworth Fields, Ochiltree County, Tex.	Contract 9-17-56 [43]	9	.....
			Agreement 2-14-57 [44] ...	9	1
			Agreement 8-15-58 [44] ...	9	3
			Assignment 7-14-58	9	3
			Assignment 3-4-60	9	4
			Conveyance 2-29-68 [40] ...	9	5
			Effective date: 3-1-68	.....	.....
CI68-1122 ..... A 3-18-68	Jake L. Hamon	Arkansas Louisiana Gas Co., Mansfield, Field, Scott County, Ark.	Contract 2-29-68 [45]	54	.....
			Contract 5-12-67 [5]	54	1

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI68-1126 (G-3662) [46] B 3-15-68	Edwin L. Cox (Operator) et al.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex.	Notice of cancellation 3-13-68. [2 3]	43	12
CI68-1127 (G-15889) B 3-19-68	Reserve Oil & Gas Co., (Operator) et al.	Coastal States Gas Producing Co., Coletto Creek Field, Victoria County, Tex.	Notice of cancellation (undated). [2 3]	[47] 30	2
CI68-1129 (CI66-648) B 3-20-68	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Big Cypress Field, Tyler County, Tex.	Notice of cancellation 3-18-68. [2 3]	387	1
CI68-1130 (CI66-519) B 3-20-68	Texaco, Inc.	Cities Service Gas Co., North Nardin Field, Kay County, Okla.	Notice of cancellation 3-15-68. [2 3]	363	1
CI68-1131 (CI67-1189) B 3-20-68	BeeKay Co., Inc.	Lone Star Gas Co., Carthage (Rodessa) Field, Panola County, Tex.	Notice of cancellation 3-15-68. [2 3]	2	1

[1] Assigns acreage from Union Texas Petroleum to Applicant.
[2] Source of gas depleted.
[3] Effective date: Date of this order.
[4] Deletes certain nonproductive acreage which is uneconomical for buyer to connect.
[5] Succession by Mobil to the interests of T. C. Huddle et al., which was covered under Reserve Oil & Gas Co. et al., FPC GRS Nos. 26 and 25, respectively.
[6] From T. C. Huddle et al., to Mobil Oil Corp.
[7] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[8] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[9] Adds acreage acquired by assignment from Marion Corp. and Bailie W. Vinson; acreage previously covered by Mobil Oil Corp. (Operator) et al., FPC GRS No. 339.
[10] Application erroneously assigned Docket No. CI65-1366 being treated as a petition to amend the certificate issued in Docket No. G-15116 and Docket No. CI65-1366 will be canceled.
[11] By letter filed Mar. 11, 1968, Applicant advised willingness to accept permanent authorization pursuant to the provisions of Opinion No. 468.
[12] Deletes the 7,500-foot depth limitation on certain acreage covered under the rate schedule.
[13] Jan. 1, 1970, moratorium applicable to newly acquired acreage.
[14] Amends basic contract to include newly-acquired acreage.
[15] Conveys Humble Oil & Refining Co.'s interest to a depth of 11,100 feet to Joseph F. Fritz. Interest was previously dedicated to a contract dated Apr. 15, 1959, between Humble and United; designated Humble Oil & Refining Co., FPC GRS No. 110 (Docket No. G-8816).
[16] Conveys Gulf Oil Corp.'s interest to a depth of 11,100 feet to Joseph F. Fritz. Interest was previously dedicated to a contract dated July 13, 1956, between Gulf and United; designated Gulf Oil Corp. (Operator) et al., FPC GRS No. 92 (Docket No. G-10827).
[17] By letter filed Mar. 7, 1968, Applicant advised willingness to accept permanent authorization pursuant to the provisions of Opinion No. 468.
[18] Adds acreage and amends contract to provide for a 16.5 cents rate in lieu of 16 cents for gas attributable to new acreage.
[19] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[20] Contract price is 12 cents per Mcf; however, Applicant has stated willingness to accept permanent authorization at an initial price of 11 cents per Mcf.
[21] Complies with temporary issued Mar. 1, 1968; Applicant has stated willingness to accept a permanent certificate conditioned similar to the temporary certificate.
[22] Accepts temporary certificate issued Mar. 15, 1968; and advises of willingness to accept a permanent certificate conditioned upon the ultimate disposition of Docket No. R-338.
[23] Production of gas no longer economically feasible.
[23a] Terminates King Plant contract and provides for gas to be committed to the Tatum Plant contract. Only the rate schedule supplement is being accepted for filing; no certificate filing required.
[24] By letter filed Mar. 11, 1968, Applicant advised willingness to accept a permanent certificate pursuant to the provisions of Opinion No. 468.
[25] Sales being rendered without prior Commission authorization (no certificate or rate schedule filings were made by the predecessors).
[26] Between Thomas B. Bagwell, et al. and Cumberland and Allegheny.
[27] From Bagwell, et al. to Claude Drake, et al.
[28] From Drake, et al. to Fisher.
[29] Acreage committed to depth of 6,510 feet only.
[30] On file as Union Texas Petroleum, a division of Allied Chemical Corp., et al., FPC GRS No. 61.
[31] On file as Union Texas Petroleum, a division of Allied Chemical Corp. FPC GRS No. 59.
[32] Between LeFlore Gas Co. and Arkansas Louisiana Gas Co. Adopts basic contract as amended between Humble Oil & Refining Co. and Arkansas Louisiana; on file as Arkla Exploration Co. et al., FPC GRS No. 20.
[33] Basic contract between Humble and Arkansas Louisiana Gas Co.
[34] Amends ratification to cover Applicant's interests; and amends contract to provide for 5-year makeup period for prepaid gas.
[35] Amends contract to provide for 14.5 cents initial rate.
[36] Between United States Smelting, Refining, and Mining Co. and El Paso; currently on file as United States Smelting, Refining, and Mining Co., FPC GRS No. 10.
[37] Conveys a 100 percent interest in acreage (NW¼ sec. 14, T. 23 S., R. 4 W.) from United States Smelting and Southern Union Production Co. The 50 percent interest acquired from Southern Union is being authorized in Docket No. CI67-693.
[38] Conveys a portion of a 100 percent interest acquired by Schalk from United States Smelting and Southern Union to A. Michael Bernstein et al.
[39] Executed by Shell Oil Co. and Transwestern Pipeline Co.; on file as Shell Oil Co., FPC GRS No. 243.
[40] Transfers acreage from Shell Oil Co. to Herman George Kaiser, Francis Oil & Gas, Inc., and Fell and Wolfe Oil Co.
[41] Application erroneously assigned Docket No. CI68-1119 being treated as a petition to amend the certificate issued in Docket No. CI62-468 and Docket No. CI68-1119 will be canceled.
[42] The application in Docket No. CI68-1120 is a partial succession in Docket No. G-12233 and a full succession in Docket Nos. G-11242 and G-16391; therefore, the certificates in the latter two dockets will be terminated.
[43] Executed by Shell and Northern Natural Gas Co.; on file as Shell Oil Co., FPC GRS No. 145.
[44] Adds acreage.
[45] Adopts terms of May 12, 1967, contract between Midwest Oil Corp. and buyer.
[46] Other sales covered under Docket No. G-3662; therefore, said certificate will be terminated only insofar as it pertains to Edwin L. Cox (Operator) et al., FPC GRS No. 43.
[47] Applicant filed for a rate increase to 10.096 cents in Docket No. RI65-172 which was never placed into effect; therefore, the rate suspension proceeding pending in Docket No. RI65-172 will be terminated.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

Name of Respondent _____

Docket No. _____

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto),[1] this _____ day of _____, 196__.

(Name of Respondent)

By _____

Attest:

_____

[F.R. Doc. 68-6230; Filed, May 27, 1968; 8:45 a.m.]

[Docket No. CP68-311]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

MAY 21, 1968.

Take notice that on May 13, 1968, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP68-311 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 facilities in the Yantic area of the city of Norwich, Conn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a 2-inch tap and tap valve assembly at a cost of $2,760, which cost is to be financed out of funds on hand.

The proposed assembly is to be constructed at a proposed new delivery point to be constructed by the city of Norwich, Conn., Department of Public Utilities (city of Norwich). The city of Norwich proposes to serve a new 310-unit housing development in a presently unserved portion of its authorized service area. City of Norwich will lease the completed facilities to Applicant for operation and maintenance by Applicant.

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 June 17, 1968.

[1] If a corporation.

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. 68-6284; Filed, May 27, 1968; 8:46 a.m.]

[Docket No. G-4567, etc.]

BERT FIELDS, JR.

Notice of Petition To Amend

MAY 21, 1968.

Bert Fields, Jr. (successor to Bert Fields Estate), Docket Nos. G-4567, G-4568, G-4569, G-4570, G-4571, G-4572, G-11473, G-11614, G-13302, CI61-422.

Take notice that on May 9, 1968, Bert Fields, Jr. (Petitioner), filed a petition to amend the orders issuing certificates of public convenience and necessity to Bert Fields Estate by substituting Petitioner in lieu of the latter as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that Petitioner has succeeded to the FPC gas rate schedules of Bert Fields Estate and proposes to continue service thereunder.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 13, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-6285; Filed, May 27, 1968; 8:46 a.m.]

[Docket No. CP68-310]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MAY 21, 1968.

Take notice that on May 9, 1968, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP68-310 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1968, and operation of unspecified gas purchase lateral pipeline and appurtenant facilities for the purpose of enabling Applicant to connect and take into its certificated pipeline system natural gas which it purchases from producers, or to make other similar purchases, in the general area of its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to enable Applicant to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas for transmission, sale and delivery to its existing Florida customers.

Applicant proposes to limit the cost of the proposed facilities to a total cost not in excess of $1 million, with no one project to exceed a cost of $250,000, which cost is to be financed from internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before June 17, 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. 68-6286; Filed, May 27, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19877]

AIR AFRIQUE

Notice of Prehearing Conference

Application of Air Afrique for renewal of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 11, 1968, at 10 a.m., e.d.s.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Arthur S. Present.

Dated at Washington, D.C., May 22, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-6317; Filed, May 27, 1968; 8:48 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALAYSIA

Entry or Withdrawal From Warehouse for Consumption

MAY 23, 1968.

On May 22, 1968, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Malaysia that it was renewing for an additional 12-month period beginning May 24, 1968, and extending through May 23, 1969, the restraint on imports into the United States of cotton textiles in Category 22, produced or manufactured in Malaysia. Pursuant to Annex E, paragraph 3, of the Long-Term Arrangement the level of restraint for this 12-month period is 5 percent greater than the level of restraint applicable to this category for the preceding 12-month period.

There is published below a letter of May 22, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 22, produced or manufactured in Malaysia, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 24, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
May 22, 1968.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive

Order 11214 of April 7, 1965, you are directed to prohibit, effective May 24, 1968, and for the 12-month period extending through May 23, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 22 produced or manufactured in Malaysia, in excess of a level of restraint for the period of 231,000 square yards.

In carrying out this directive, entries of cotton textiles in Category 22 produced or manufactured in Malaysia, which have been exported to the United States from Malaysia prior to May 24, 1968, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period May 24, 1967, through May 23, 1968. In the event that the above level of restraint has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

A detailed description of Category 22 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on Jan. 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton textiles and cotton textile products from Malaysia have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68–6340; Filed, May 27, 1968; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN JAMAICA

Entry or Withdrawal From Warehouse for Consumption

MAY 23, 1968.

On September 29, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Jamaica, concerning exports of cotton textiles and cotton textile products from Jamaica to the United States. The agreement provides annual limitations on exports of all cotton textiles and cotton textile products from Jamaica to the United States for successive 12-month periods beginning October 1, 1966, and extending through September 30, 1970. Among the provisions of the agreement is that applying a specific export limitation to Category 55 for the second agreement year which began on October 1, 1967. This specific export limitation applicable to Category 55, however, was adjusted pursuant to an administrative arrangement under paragraph 11 of the bilateral agreement.

Entries into the United States for consumption and withdrawals from warehouse for consumption of cotton textile products in Category 55, produced or manufactured in Jamaica and exported to the United States on or after October 1, 1967, have exceeded the adjusted level provided for in the agreement. Consultations with the Government of Jamaica concerning these exports are now in progress. A subject of such consultations will be provision for the entry of goods affected by the directive published below.

Accordingly, there is published below a letter of May 23, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 55, produced or manufactured in Jamaica and exported during the period beginning October 1, 1967, and extending through September 30, 1968, be prohibited.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
May 23, 1968.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of September 29, 1967, between the Governments of the United States and Jamaica, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 55 produced or manufactured in Jamaica and which have been exported from Jamaica during the period beginning October 1, 1967, and extending through September 30, 1968.

Cotton textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

A detailed description of Category 55 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Jamaica and with respect to imports of cotton textiles and cotton textile products from Jamaica have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68–6341; Filed, May 27, 1968; 8:48 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE HUNGARIAN PEOPLE'S REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

MAY 23, 1968.

On March 25, 1968, the U.S. Government requested the Government of the Hungarian People's Republic to enter into consultions concerning exports to the United States of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary. In that request, the U.S. Government indicated a specific level at which it considered that exports in this category from Hungary should be restrained for the 12-month period, beginning March 25, 1968, and extending through March 24, 1969. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request. This restraint does not apply to cotton textiles in Category 26 (other than duck) produced or manufactured in Hungary and exported to the United States prior to the beginning of the applicable 12-month period designated above.

There is published below a letter of May 22, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 26 (other than duck), produced or manufactured in Hungary which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning March 25, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230,
May 22, 1968.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible after May 23, 1968, and for the 12-month period beginning March 25, 1968, and extending through March 24, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 26 (other than duck[1]) produced or manufactured in Hungary, in excess of a level of restraint for the period of 320,000 square yards.[2]

In carrying out this directive, entries of cotton textiles in Category 26 (other than duck), produced or manufactured in the Hungarian People's Republic and which have been exported to the United States from Hungary prior to March 25, 1968, shall not be subject to this directive. In addition, cotton textiles in Category 26 (other than duck) which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

A detailed description of Category 26 (other than duck), in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from the Hungarian People's Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965–66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-6342; Filed, May 27, 1968; 8:48 a.m.]

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

[2] This level has not been adjusted to reflect any entries made on or after Mar. 25, 1968.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 670]

OKLAHOMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1968, because of the effects of certain disasters, damage resulted to residences and business property located in Le Flore County, in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on May 13, 1968.

OFFICE

Small Business Administration Regional Office, 324 North Robinson Street, Oklahoma City, Okla. 73102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1968.

Dated: May 21, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68-6279; Filed, May 27, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISION AND BOARDS AND ASSIGNMENT OF WORK

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 3d day of April 1968.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration with a view to assigning to the Board of Suspension and the Finance Board the authority specified in revised Appendix G to the report in Pennsylvania R. Co.—Merger—New York Central R. Co., 330 ICC 328, and in revised Appendix I to the third supplemental report and order on reconsideration in 331 ICC 754, decided March 1, 1968:

It is ordered, That the "Organization Minutes of the Interstate Commerce Commission relating to the Organization of Divisions and Boards and Assignment of Work," issue of July 27, 1965, as amended (30 F.R. 11189, 12559, 13302; 31 F.R. 242, 4762, 9529, 12693, 13099, 14025; 32 F.R. 431, 7105, 8000, 8784, 10127, 14627; and 33 F.R. 3205), be further amended as follows:

Under the heading "Assignment to boards,"

(1) The present Item 7.3 is redesignated as Item 7.3(a) and the following is added as Item 7.3(b):

7.3 *Board of Suspension.* (a) * * *

(b) Authority as specified in revised Appendix G, to the report in "Pennsylvania R. Co.—Merger—New York Central R. Co.," 330 ICC 328, and in revised Appendix I to the third supplemental report on reconsideration in 331 ICC 754, decided March 1, 1968.

(2) The present Item 7.6 is amended by adding paragraph (d) to read as follows:

7.6 *Finance Board.* * * *

(d) Authority as specified in revised Appendix G, to the report in "Pennsylvania R. Co.—Merger—New York Central R. Co.," 330 ICC 328.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-6300; Filed, May 27, 1968; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 23, 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. 41334—*Freight, all kinds between Cham-Pagne, Mo., and Kansas City, Mo.-Kans.* Filed by Western Trunk Line Committee, agent (No. A-2553), for and on behalf of the Missouri Pacific Railroad Co. Rates on freight, all kinds, between Cham-Pagne, Mo., on the one hand, and Kansas City, Mo.-Kans., on the other.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 81 to Western Trunk Line Committee, agent, tariff ICC A-4400.

FSA No. 41336—*Alloys or metals to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-9086), for interested rail carriers. Rates on alloys or metals, as described in the application, in carloads, from specified points in Ohio and West Virginia, to Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 169 to Southwestern Freight Bureau, agent, tariff ICC 4610.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41335—*Freight, all kinds between Cham-Pagne, Mo., and Kansas City, Mo.-Kans.* Filed by Western Trunk Line Committee, agent (No. A–2554), for and on behalf of the Missouri Pacific Railroad Co. Rates on freight, all kinds, between Cham-Pagne, Mo., on the one hand, and Kansas City, Mo.-Kans., on the other.

Grounds for relief—Maintenance of depressed rates without use of such rates as factors in constructing combination rates.

Tariff—Supplement 81 to Western Trunk Line Committee, agent, tariff ICC A–4480.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–6301; Filed, May 27, 1968; 8:47 a.m.]

[Notice 615]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 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 46280 (Sub-No. 65 TA), filed May 16, 1968. Applicant: DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Cornelius J. Koster (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from the plantsite of Freedman Artcraft Co., Charlevoix, Mich., to Traverse City, Mich., over U.S. Highway 31, for 180 days. NOTE: Applicant does intend to tack with authority in MC 46280, and interline at Minneapolis-St. Paul, Minn.; Louisville, Ky.; Chicago, Ill.; St. Louis, Mo.; Milwaukee, Wis. Supporting shipper: Freedman Artcraft Engineering Corp., Post Office Box 228, Charlevoix, Mich. 49720. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 52673 (Sub-No. 27 TA), filed May 16, 1968. Applicant: FRED OLSON MOTOR SERVICE COMPANY, 6022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Robert W. Gleason (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from Milwaukee, Wis., to points in McHenry, Lake, Will, Kane, Cook, Du Page, De Kalb, Kendall, Grundy, Kankakee, Boone, Winnebago Counties, Ill., and Lake County, Ind., for 150 days. Supporting shipper: Sewerage Commission of the City of Milwaukee, Post Office Box 2079, Milwaukee, Wis., 53201. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 70176 (Sub-No. 2 TA), filed May 16, 1968. Applicant: ERNEST L. SECCOMB AND ERNEST M. KINGSBURY, doing business as KITTO'S TRANSFER & STORAGE, 700 East Front Street, Butte, Mont. 59701. Applicant's representative: Ernest L. Seccomb (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irreguar routes, transporting: *Electronic equipment, parts, materials, and supplies*, used in connection with microwave station for telephone company, from Butte, Mont. to Twin Bridges, Mont., and 10 miles thereof, for 180 days. Supporting Shipper: Western Electric Co., Butte, Mont. 59701. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 119226 (Sub-No. 69 TA), filed May 17, 1968. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* derived wholly or in part from petroleum, in bulk, in tank vehicles, between the plantsites and storage facilities of Procter & Gamble Co., St. Bernard, Ohio, on the one hand, and on the other, the plantsite and storage facilities of the Procter & Gamble Co. at Kansas City, Kans., for 180 days. Supporting shipper: Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: District Supervisor James W. Habermehl, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129325 (Sub-No. 1 TA), filed May 17, 1968. Applicant: DIAZ MOTOR FREIGHT, INC., Post Office Box 8166, 2829 Frenchmen Street, New Orleans, La. 70122. Applicant's representative: W. T. Croft, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire mesh, structural steel, and reinforcing steel*, from New Orleans, La., to points in Mississippi, Arkansas, Alabama, Florida, Georgia, Louisiana, and Tennessee, for the Laclede Steel Co. of New Orleans, La., for 180 days. Supporting shipper: Laclede Steel Co., District Office, 5601 France Road, Post Office Box 26391, New Orleans, La. 70126. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 129908 TA, filed May 17, 1968. Applicant: AMERICAN FARM LINES, 641 North Meridian, Oklahoma City, Okla. 73107. Applicant's representative: Wesley L. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including classes A and B explosives*, restricted to traffic moving on Government Bill of Lading, between points in Kentucky, Indiana, Illinois, Missouri, Arkansas, Louisiana, Texas, Oklahoma, and Kansas, on the one hand, and on the other, points in Washington, California, Nevada, and Arizona, for 180 days. Supporting shipper: Department of the Army, Office of Judge Advocate General, Washington, D.C. 20310. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 129909 TA, filed May 17, 1968. Applicant: COR-NEL CONTRACTING CORPORATION, R.F.D. No. 3, Box 421–D, Como Drive, Somerset, N.J. 08873. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude iron oxide*, in bulk, in dump vehicles, from ports of entry on the international boundary line between the United States and Canada located at or near Buffalo, Niagara Falls, and Lewiston, N.Y., to Edison Township, N.J., restricted to traffic originating in Canada, for 180 days. Supporting shipper: Stabilized Pigments, Inc., Saw Mill Road, Edison Township, N.J. 08817. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

MOTOR CARRIER OF PASSENGERS

No. MC 128823 (Sub-No. 1 TA), filed May 16, 1968. Applicant: ROBERT C. BELL, JR., 1 East 44th Street, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and pets*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, between John F. Kennedy International Airport

(N.Y.), and Ramsey, N.J., over La Guardia Airport (N.Y.), Route 1(a): Beginning at John F. Kennedy International Airport, in New York, N.Y.; thence over Van Wyck Expressway to Grand Central Parkway, thence over said Parkway to La Guardia Airport, in New York; thence over Grand Central Parkway to the Triboro Bridge; thence over the Major Deegan Expressway or the Harlem River Drive to the Cross Bronx Expressway; thence over Cross Bronx Expressway to the George Washington Bridge; thence over the George Washington Bridge to Fort Lee, thence over Interstate Highway 95 to junction with New Jersey Highway 4; thence over New Jersey Highway 4 to Grand Avenue in Englewood, N.J.; thence over Grand Avenue to Bancker Street in Englewood, N.J.; thence over Bancker Street to junction of Dean Street; thence over Dean Street to junction of Van Nostrand Street, in Englewood, to a stop in Englewood called Bowlerland; thence over Van Nostrand Street, to junction of Grand Avenue in Englewood, N.J.; thence over Grand Avenue to New Jersey Highway 4 in Englewood; thence over New Jersey Highway 4 through Teaneck to junction of Hackensack Avenue in Hackensack, N.J.; thence over Hackensack Avenue to Oritani Motor Hotel in Hackensack; thence from Oritani Motor Hotel over Hackensack Avenue to junction of New Jersey Highway 4 in Hackensack; thence over New Jersey Highway 4 to River Edge, N.J.; thence over New Jersey Highway 4 from River Edge, N.J., to junction of New Jersey Highway 17; thence over New Jersey Highway 17 to Midland Avenue overpass in Paramus, N.J.; thence over New Jersey Highway 17 to Howard Johnson Motor Lodge in Paramus, N.J.; thence from Howard Johnson Motor Lodge in Paramus, N.J., over New Jersey Highway 17 to Ridgewood, N.J.; thence over New Jersey Highway 17 to Hohokus, N.J.; thence over New Jersey Highway 17 to Waldwick, N.J.; thence over New Jersey Highway 17 to Saddle River, N.J.; thence over New Jersey Highway 17 to Allendale, N.J.; thence over New Jersey Highway 17 to Upper Saddle River, N.J.; and thence over New Jersey Highway 17 to Ramsey, N.J., and return over the same routes, serving all intermediate points.

Between John Kennedy International Airport (N.Y.), and Ramsey, N.J., over La Guardia Airport (N.Y.), Route 1(b): (Alternate route) Same as Route 1(a) above to Fort Lee, N.J.; thence over New Jersey Highway 46 to Palisades Park, N.J.; thence over New Jersey Highway 46 to Ridgefield, N.J.; thence over New Jersey Highway 46 to Ridgefield Park, N.J.; thence over New Jersey Highway 46 to Little Ferry, N.J.; thence over New Jersey Highway 46 to South Hackensack, N.J.; thence over New Jersey Highway 46 to Teterboro Airport in Teterboro, N.J.; thence from Teterboro Airport over New Jersey Highway 46 to junction of Main Street in Lodi, N.J.; thence over Main Street in Lodi, N.J., to junction of Rochelle Avenue in Rochelle Park, N.J.; thence over Rochelle Avenue in Rochelle Park to junction of Farview Avenue in Paramus, N.J.; thence over Farview Avenue to junction of New Jersey Highway 17 in Paramus, N.J.; thence over New Jersey Highway 17 to junction with New Jersey Highway 4 in Paramus, N.J.; thence over New Jersey Highway 4 to junction of New Jersey Highway 507 in Fair Lawn, N.J.; thence over New Jersey Highway 507 to Glen Rock, N.J.; thence over New Jersey Highway 507 to Ridgewood, N.J.; thence over New Jersey Highway 507 to Hohokus, thence over New Jersey Highway 507 to Waldwick, N.J.; thence over New Jersey Highway 507 to Allendale, N.J.; thence over New Jersey Highway 507 to Ramsey, N.J.; and return over the same routes, serving all intermediate points.

Between La Guardia Airport and Newark (N.J.) Airport over John F. Kennedy International Airport, Route 2: Beginning at La Guardia Airport in New York, N.Y.; thence over Grand Central Parkway and Van Wyck Expressway to John F. Kennedy International Airport; thence over Belt Parkway to Verrazano Narrows Bridge; thence over Verrazano Narrows Bridge to Staten Island Expressway; thence over Staten Island Expressway to Goethals Bridge; thence over Goethals Bridge to junction of Interstate Highway 278; thence over Interstate Highway 278 to the junction with the New Jersey Turnpike at Elizabeth, N.J.; thence over New Jersey Turnpike to Newark Airport, and return over the same routes, serving all intermediate points. Between La Guardia Airport and New Brunswick, N.J., over John F. Kennedy International Airport, Route 3: To Verrazano Narrows Bridge as in Route 2 above; thence over Verrazano Narrows Bridge and Interstate Highway 278 to junction with Hylan Boulevard (Staten Island); thence over Seguine Avenue to junction with Richmond Avenue; thence over Richmond Avenue to Outerbridge Crossing between New York and New Jersey; thence over Outerbridge Crossing to Perth Amboy, N.J.; thence over New Jersey Highway 440 to junction with New Jersey Highway 35; thence over New Jersey Highway 35; thence over New Jersey Highway 35 to junction with U.S. Highway 1 and New Jersey Highway 27 at Woodbridge, N.J.; thence over U.S. Highway 1 from Woodbridge to Edison, N.J.; thence over U.S. Highway 1 to New Brunswick, N.J.; or from Woodbridge, N.J., over New Jersey Highway 27 to Edison, N.J.; thence over New Jersey Highway 27 to Borough of Metuchen; thence over New Jersey Highway 27 to Edison, N.J.; thence over New Jersey Highway 27 to Highland Park, N.J.; thence over New Jersey Highway 27 to New Brunswick, N.J.; and return over the same routes, serving all intermediate points.

Between La Guardia Airport and Trenton, N.J., over John F. Kennedy International Airport, Route 4(a): To New Brunswick, N.J., as in Route 3 above; thence over U.S. Highway 1 to North Brunswick, N.J.; thence over U.S. Highway 1 to South Brunswick, N.J.; thence over U.S. Highway 1 to Plainsboro, N.J.; thence over U.S. Highway 1 to Penn's Neck in West Windsor, N.J.; thence over U.S. Highway 1 to Bakersville, N.J.; thence over U.S. Highway 1 to Brunswick Circle at the Lawrence-Trenton line; thence over the Trenton Freeway to East State Street and the Midtown Motor Hotel on East State Street; and return over the same routes, serving all intermediate points. Between La Guardia Airport and Trenton over John F. Kennedy International Airport, Route 4(b): To New Brunswick, N.J., as in Route 3 above; thence over New Jersey Highway 27 to North Brunswick, N.J.; thence over New Jersey Highway 27 to South Brunswick, N.J.; thence over New Jersey Highway 27 to Franklin, N.J.; thence over New Jersey Highway 27 to Princeton, N.J.; thence over New Jersey Highway 206 to Lawrenceville, N.J.; thence over New Jersey Highway 206 to Brunswick Circle at the Lawrence-Trenton line; thence over the Trenton Freeway to East State Street and Midtown Motor Hotel on East State Street, Trenton; and return over the same routes, serving all intermediate points, for 150 days. Supporting shippers: There are numerous statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10017.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-6302; Filed, May 27, 1968; 8:47 a.m.]

[Notice 616]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 23, 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 2202 (Sub-No. 348 TA), filed May 20, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: Douglas W. Faris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the terminal site of Roadway Express, Inc., located at Bonville Drive and Exit 79 of the Connecticut Pike, at or near Montville, Conn., as an off-route point in connection with carrier's regular-route operation between Greenwich, Conn., and Putnam, Conn., for 180 days. NOTE: Applicant intends to tack with authority in MC No. 2202 and subs thereto and will effect interchange at all points served. Supporting shipper: There is no shipper's support since this is needed for operating convenience to correct an error. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC-2860 (Sub-No. 25 TA), filed May 20, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Frank E. Ocheltree (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air coolers and fans combined and parts, air conditioners and parts, air heaters, baseboard heating units and parts, compressors or pumps, gas or liquid and parts, cooling or freezing boxes and parts, furnaces, gas and electric, house heating, and parts, generators and motors, radiators, hot water or steam, washing and drying machines, laundry, household*, from Edison, N.J., to points Florida, return of *refused and rejected shipments*, for 180 days. Supporting shipper: Fedders Corp., Edison, N.J. 08817. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, 402 East State Street, Trenton, N.J. 08608.

No. MC 9325 (Sub-No. 39 TA), filed May 20, 1968. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. 97355. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower Building, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lime*, in bulk, from Tacoma, Wash., to points in Oregon and those in California within 15 miles of Samoa, Calif., for 180 days. Supporting shipper: Domtar Chemicals, Ltd., 1155 Dorchester Boulevard, West Montreal 2, Quebec. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 30837 (Sub-No. 351 TA), filed May 20, 1968. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Holland, Mich., to points in Colorado, for 150 days. Supporting shipper: Leonard Hynes, Military Traffic Management and Terminal Service, Washington, D.C. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 108207 (Sub-No. 242 TA), filed May 20, 1968. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, 75207, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salads*, From Dallas, Tex., to points in Oklahoma, Kansas, Nebraska, Iowa, Missouri, Illinois, Indiana, Ohio, Kentucky, and Memphis, Tenn., for 150 days. Supporting shipper: Byerly Foods, Inc., 2419 Farrington, Dallas, Tex. 75207. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 116014 (Sub-No. 39 TA), filed May 20, 1968. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Lexington Road, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Curing compound* used in the construction of highways, from the plantsite of W. R. Meadows Co., Elgin, Ill., to points in Kentucky; (2) *contraction and expansion dowel assemblys and fabricated steel stakes* used in the construction of highways, from the plantsite of the Jones & McKnight Manufacturing Division, Bradley, Ill., to points in Kentucky; (3) *reinforcing steel* used in the construction of highways, from the plantsite of the Kankakee Electric Steel Co., Kankakee, Ill., to points in Kentucky, for 180 days. Supporting shipper: Larry Ruben, Vice President, Jones & McKnight, Inc., 2300 South Springfield, Chicago, Ill. 60623. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Featherston Building, 177 North Upper Street, Lexington, Ky. 40507.

No. MC 116073 (Sub-No. 79 TA), filed May 20, 1968. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Box 601; 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, sectional buildings, vacation trailers, and pickup campers*, in truckaway and towaway service, between points in California, Nevada, and Arizona, on the one hand, and, on the other, points in the United States, for 180 days. Supporting shippers: There are approximately (21) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 120543 (Sub-No. 55 TA), filed May 20, 1968. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Post Office Box 1297, W.S. Highway 301, North Dade City, Fla. 33525. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pie fillings, jellies, jams, and fondant icings*, from Seffner, Fla., to points in California, for 180 days. Supporting shipper: Seffner Food Products, Inc., Post Office Box 68, Seffner, Fla. 33584. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 123778 (Sub-No. 13 TA), filed May 20, 1968. Applicant: JOSEPH BAIO, doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Woodbridge, N.J., to Bridgeport, Danbury, Hartford, Meriden, New Haven, New London, Norwich, Plainville, Stamford, and Waterbury, Conn., Newark, N.J., Kingston, Newburg, Peekskill, Poughkeepsie, and Spring Valley, N.Y., for 180 days. Supporting shipper: U.S. News & World Report, Traffic Department, 350 Dennison Avenue, Dayton, Ohio 45401, Attention: L. Max Burris, Traffic Manager. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 129827 TA (Amendment), filed April 15, 1968, published FEDERAL REGISTER, issue of April 25, 1968, and republished as corrected this issue. Applicant: BLAIR MOTOR SERVICE, INCORPORATED, 1531 East 14th Street, St. Louis, Mo. 63106. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatment's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Shoes, shoe findings, and shoe materials*, from Trenton, Tenn., over

U.S. Highway 45W to junction U.S. Highway 45W and U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 51 and Illinois Highway 3, thence over Illinois Highway 3 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., for 180 days. NOTE: Applicant intends to interline with other carriers at St. Louis, Mo. The purpose of this republication is to show that applicant proposes to interline. Supporting shipper: Brown Shoe Co., Attention Joseph H. Gass, 8300 Maryland, St. Louis, Mo. 63105. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 129910 (Sub-No. 1 TA), filed May 20, 1968. Applicant: PORT OF NEW YORK EXPRESS CO., INC., 61 Front Street, New York, N.Y. 10004. Applicant's representative: Arthur Liberstein, 160 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in the New York, N.Y., commercial zone, on the one hand, and on the other, Garden City, Carle Place, and Farmingdale, N.Y., restricted to shipments having a prior or subsequent movement by water in foreign commerce, under continuing contracts with Pier I Imports and Britannic & European Auto Products, Inc., for 150 days. Supporting shippers: Pier I Imports, Inc., South Street, Garden City, N.Y.; Britannic & European Auto Products, Inc., 77 Marine Street, Farmingdale, N.Y. 11735. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129911 TA, filed May 20, 1968. Applicant: SPECIALIZED TRUCKING CORP., 90–14 217th Street, Queens Village, N.Y. 11428. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from New York, N.Y., to points in the State of New York, restricted to home deliveries, restricted to shipments having a prior movement by water, and originating in Europe, for 180 days. Supporting shipper: Central Data Expeditors, Inc., 646 Central Avenue, East Orange, N.J. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 129912 TA, filed May 20, 1968. Applicant: STANLEY LEVINSON, doing business as STAN'S VANS, 1335 West 11th Street, Long Beach, Calif. 90813. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in 17 M.C.C. 467, and 95 M.C.C. 252, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, points in Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., for 180 days. NOTE: Applicant proposes to interline with out-of-state carriers at any and all points within the scope of the proposed authority. Supporting shipper: Kingpak, Inc., Post Office Box 18298, Wichita, Kans. 67218. 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.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–6303; Filed, May 27, 1968; 8:47 a.m.]

[Notice 144]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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–70404. By order of May 20, 1968, the Transfer Board approved the transfer to Paul A. Falloni and Joseph C. Falloni, a partnership, doing business as Central Express, Beverly, Mass., of certificate in No. MC–55313, issued May 22, 1941, to Paul A. Falloni, doing business as Central Express, Beverly, Mass., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities, between Boston and Manchester, Mass., serving intermediate points and specified off-route points; and trunks and baggage, between Beverly, Mass., and New York, N.Y. Gerard J. Donovan, 12 Stanson Oaks Drive, North Attleboro, Mass. 02760, counsel for applicants.

No. MC–FC–70408. By order of May 20, 1968, the Transfer Board approved the transfer to Mitchell A. Kizior and Adeline P. Kizior, a partnership, doing business as LaBuda Cartage, Chicago, Ill., of certificate No. MC–63215, issued March 18, 1949, to John F. LaBuda, Mitchell A. Kizior, and Adeline P. Kizior, a partnership, doing business as LaBuda Cartage, Chicago, Ill., authorizing the transportation of: General commodities, except household goods, commodities in bulk, and other specified commodities, between points in Cook County, Ill. Themis N. Anastos, 120 West Madison Street, Chicago, Ill. 60602, attorney for applicants.

No. MC–FC–70439. By order of May 17, 1968, the Transfer Board approved the transfer to Terminal Warehouses, Inc., Camden, N.J., of the operating rights in certificate No. MC–16729 issued March 29, 1965, to James F. Kelley, 4002 Bonner Street, Philadelphia, Pa., authorizing the transportation of household goods as defined by the Commission, and furniture and fixtures used in billiard parlors, bowling alleys, and retail liquor establishments, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and New York; and cut flowers, from Philadelphia, Pa., to Wilmington, Del. Leon Weinroth, 1616 Walnut Street, Philadelphia, Pa. 19103, attorney for transferee.

No. MC–FC–70442. By order of May 17, 1968, the Transfer Board approved the transfer to Boston & Gloucester Express, Inc., Gloucester, Mass., of the certificate of registration in No. MC–120474 (Sub-No. 1) issued January 12, 1966, to Sybil R. Kippen, doing business as Boston & Gloucester Express, Gloucester, Mass., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grants of authority in irregular route common carrier certificate No. 4700 and regular route common carrier certificate No. 775 both issued May 4, 1965, by the Massachusetts Department of Public Utilities. C. Richard Clark, 11 Pleasant, Gloucester, Mass. 01930, attorney for applicants.

No. MC–FC–70462. By order of May 17, 1968, the Transfer Board approved the transfer to March Express, Inc., Glassboro, N.J., of the operating rights in certificate No. MC–491 issued November 18, 1953, to David W. Garrigues, Jr., doing business as Marsh Express, Sewell, N.J., authorizing the transportation of general commodities (except those of unusual value, high explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Philadelphia, Pa., on the one hand, and, on the other, points in that part of New Jersey bounded by a line beginning at Camden, N.J., and extending southerly along New Jersey Highway 45 to the junction of New Jersey Highway 46, thence southeasterly along New Jersey Highway 46 to Pittsgrove, thence easterly through Elmer and Willow Grove to Newfield, and thence northerly through Malaga and Glassboro to junction of New Jersey Highways 47 and 41 (formerly Fairview) to the point of beginning. John Stokley, 409 South Cummings Avenue, Glassboro, N.J. 08028, representative for applicants.

No. MC–FC–70503. By order of May 20, 1968, the Transfer Board approved the

transfer to Thompson Horse Van Lines, Ltd., 737 No. 2 Road, Richmond, Vancouver, British Columbia, Canada, of the operating rights in certificates Nos. MC–112035, MC–112035 (Sub-No. 1), and MC–112035 (Sub-No. 2) issued August 2, 1951, December 28, 1953, and April 4, 1961, respectively, to J. C. Thompson and I. F. Thompson, a partnership, doing business as J. C. Thompson & Son, Richmond, Vancouver, British Columbia, Canada, authorizing the transportation of horses, other than ordinary and in the same vehicles with such horses, stable supplies, and equipment used in their care and exhibition, mascots, and the personal effects of their attendants, trainers, and exhibitors, between points in Washington and Oregon; between points in Oregon and Washington, on the one hand, and, on the other, points in California; and between points in Washington, on the one hand, and, on the other, the port of entry on the United States-Canada boundary line at or near Eastport, Idaho, restricted to the transportation of shipments originating at or destined to points in the provinces of Alberta, Manitoba, and Saskatchewan, Canada.

No. MC–FC–70506. By order of May 20, 1968, the Transfer Board approved the transfer to Don Camper, Inc., Westcliffe, Colo., of the operating rights in certificates Nos. MC–28595 (Sub-No. 1), and MC–28595 (Sub-No. 5) issued November 29, 1961, and October 31, 1965, respectively, authorizing the transportation of general commodities, between points in Colorado, Kansas, Nebraska, New Mexico, Texas, and Wyoming, and certificate No. MC–108675 authorizing the transportation of passengers, and their baggage, express, and newspapers, between points in Colorado, both authorities acquired by transferor, Charles E. Koch and Vera Delores Koch, doing business as Hanssen's Truck Line, Westcliffe, Colo., pursuant to approval and consummation of No. MC–FC–69342. T. Peter Craven, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–6304; Filed, May 27, 1968; 8:47 a.m.]

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PART II

Department of Labor

Office of Federal Contract Compliance

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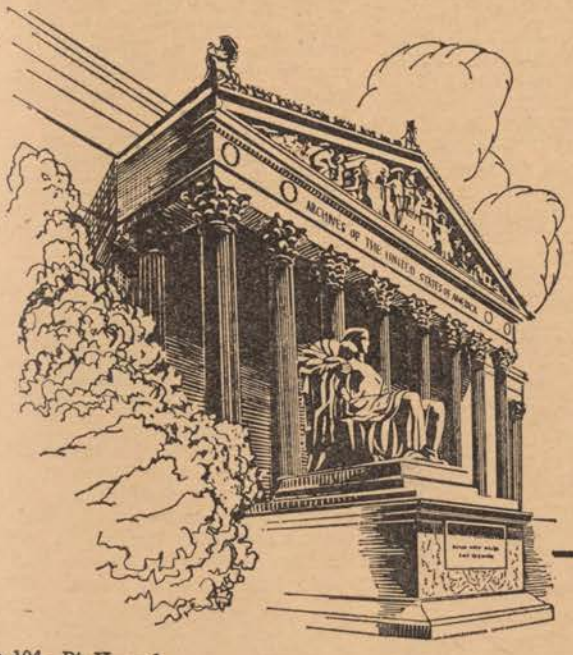
Obligations of Contractors and Subcontractors



Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

REVISION OF CHAPTER

Chapter 60 of Title 41 of the Code of Federal Regulations was originally issued by the President's Committee on Equal Employment Opportunity for the purpose of implementing Executive Order 10925 (3 CFR, 1959–63 Comp., p. 448) which provided for the promotion and insurance of equal employment opportunity on Government contracts for all persons without regard to race, creed, color, or national origin. Subsequently, the Committee revised this part in order to implement, in addition, Executive Order 11114 (3 CFR, 1959–1963 Comp., p. 774) which provided certain amendments to Executive Order 10925 and extended its requirements to certain contracts for construction financed with assistance from the Federal Government. Parts II and III of Executive Order 11246 (30 F.R. 12319, Sep. 28, 1965) vested in the Secretary of Labor the functions related to Government contracts and Federally assisted construction contracts previously exercised by the President's Committee on Equal Employment Opportunity. Section 201 of Executive Order 11246 provides that the Secretary of Labor shall adopt rules, regulations, and orders as he deems necessary and appropriate to achieve the purposes of the order. Temporary regulations were adopted effective October 24, 1965 (30 F.R. 13441), continuing in effect the previous regulations of the President's Committee on Equal Employment Opportunity, and orders were issued effective June 1, 1966 (31 F.R. 6881), and May 9, 1967 (32 F.R. 7439).

On February 15, 1968, notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 3000) which included the substance of the aforesaid orders and other amendments and revisions. Persons interested in the proposals were given until March 15, 1968, to submit written data, views, or argument concerning them.

Having considered all relevant material submitted, I have decided to, and do hereby revise 41 CFR Chapter 60. As revised, 41 CFR Chapter 60 reads as follows:

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

Subpart B—General Enforcement; Compliance Review and Complaint Procedure

Subpart C—Ancillary Matters

AUTHORITY: The provisions of this Part 60–1 issued pursuant to sec. 201, E.O. 11246 (30 F.R. 12319).

Subpart A—Preliminary Matters; Equal Opportunity Clause; Compliance Reports

§ 60–1.1 Purpose and application.

The purpose of the regulations in this part is to achieve the aims of Parts II, III, and IV of Executive Order 11246 for the promotion and insuring of equal opportunity for all persons, without regard to race, creed, color, or national origin, employed or seeking employment with Government contractors or with contractors performing under federally assisted construction contracts. The regulations in this part apply to all contracting agencies of the Government and to contractors and subcontractors who perform under Government contracts, to the extent set forth in this part. The regulations in this part also apply to all agencies of the Government administering programs involving Federal financial assistance which may include a construction contract, and to all contractors and subcontractors performing under construction contracts which are related to any such programs. The procedures set forth in the regulations in this part govern all disputes relative to a contractor's compliance with his obligations under the equal opportunity clause regardless of whether or not his contract contains a "Disputes" clause. Failure of a contractor or applicant to comply with any provision of the regulations in this part shall be grounds for the imposition of any or all of the sanctions authorized by the order. The regulations in this part do not apply to any action taken to effect compliance with respect to employment practices subject to Title VI of the Civil Rights Act of 1964. The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Secretary or Government agencies of powers not herein specifically set forth, but granted to them by the order.

§ 60–1.2 Administrative responsibility.

Under the general direction of the Secretary, the Director has been delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Secretary under the order, except the power to issue rules and regulations of a general nature. All correspondence regarding the order should be directed to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210.

§ 60–1.3 Definitions.

(a) The term "administering agency" means any department, agency and establishment in the Executive Branch of the Government, including any wholly owned Government corporation, which administers a program involving federally assisted construction contracts.

(b) The term "agency" means any contracting or any administering agency of the Government.

(c) The term "applicant" means an applicant for Federal assistance involving a construction contract, or other participant in a program involving a construction contract as determined by regulation of an administering agency. The term also includes such persons after they become recipients of such Federal assistance.

(d) The term "Compliance Agency" means the agency designated by the Director on a geographical industry or other basis to conduct compliance reviews and to undertake such other responsibilities in connection with the administration of the order as the Director may determine to be appropriate. In the absence of such a designation, the Compliance Agency will be determined as follows:

(1) In the case of a prime contractor not involved in construction work, the Compliance Agency will be the agency whose contracts with the prime contractor have the largest aggregate dollar value;

(2) In the case of a subcontractor not involved in construction work, the Compliance Agency will be the Compliance Agency of the prime contractor with which the subcontractor has the largest aggregate value of subcontracts or purchase orders for the performance of work under contracts;

(3) In the case of a prime contractor or subcontractor involved in construction work, the Compliance Agency for each construction project will be the agency providing the largest dollar value for the construction project; and

(4) In the case of a contractor who is both a prime contractor and subcontractor, the Compliance Agency will be determined as if such contractor is a prime contractor only.

(e) The term "construction work" means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

(f) The term "contract" means any Government contract or any federally assisted construction contract.

(g) The term "contracting agency" means any department, agency, establishment, or instrumentality in the Executive Branch of the Government, including any wholly owned Government corporation, which enters into contracts.

(h) The term "contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

(i) The term "Director" means the Director, Office of Federal Contract Compliance, U.S. Department of Labor or any person to whom he delegates authority under the regulations in this part.

(j) The term "equal opportunity clause" means the contract provisions set forth in § 60–1.4 (a) or (b), as appropriate.

(k) The term "federally assisted construction contract" means any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, or any application or modification thereof approved by the Government for a grant, contract, loan, insurance, or guarantee under which the applicant itself participates in the construction work.

(l) The term "Government" means the Government of the United States of America.

(m) The term "Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of rail or personal property, including lease arrangements. The term "services", as used in this section includes, but is not used in this definition includes, but is not limited to the following services: Utility, construction, transportation, research, insurance, and fund depositary. The term "Government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally assisted construction contracts.

(n) The term "hearing officer" means the individual or board of individuals designated to conduct hearings.

(o) The term "modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

(p) The term "Order" means Parts II, III, and IV of the Executive Order 11246 dated September 24, 1965 (30 F.R. 12319), any Executive order amending such order, and any other Executive order superseding such order.

(q) The term "person" means any natural person, corporation, partnership, unincorporated association, State or local government, and any agency, instrumentality, or subdivision of such a government.

(r) The term "prime contractor" means any person holding a contract and, for the purposes of Subpart B of this part, any person who has held a contract subject to the order.

(s) The term "recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

(t) The term "rules, regulations, and relevant orders of the Secretary of Labor" used in paragraph (4) of the equal opportunity clause means rules, regulations, and relevant orders of the Secretary of Labor or his designee issued pursuant to the order.

(u) The term "Secretary" means the Secretary of Labor, U.S. Department of Labor.

(v) The term "site of construction" means the general physical location of any building, highway, or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition, or repair and any temporary location or facility at which a contractor, subcontractor, or other participating party meets a demand or performs a function relating to the contract or subcontract.

(w) The term "subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

(x) The term "subcontractor" means any person holding a subcontract and, for the purposes of Subpart B of this part, any person who has held a subcontract subject to the order. The term "First-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor.

(y) The term "United States" as used herein shall include the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and the possessions of the United States.

§ 60–1.4 Equal opportunity clause.

(a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened

with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) *Federally assisted construction contracts.* Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause:

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided,* That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(c) *Subcontracts.* Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.

(d) *Incorporation by reference.* The equal opportunity clause may be incorporated by reference in Government bills of lading, transportation requests, contracts for deposit of Government funds, contracts for issuing and paying U.S. savings bonds and notes, contracts and subcontracts less than $50,000 and such other contracts as the Director may designate.

(e) *Incorporation by operation of the order and agency regulations.* By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts. The clause may also be applied by agency regulations to every nonexempt contract where there is no written contract between the agency and the contractor.

(f) *Adaptation of language.* Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.

§ 60–1.5 Exemptions.

(a) *General*—(1) *Transactions of $10,000 or under.* Contracts and subcontracts not exceeding $10,000, other than Government bills of lading, are exempt from the requirements of the equal opportunity clause. In determining the applicability of this exemption to any federally assisted construction contract, or subcontract thereunder, the amount of such contract or subcontract rather than the amount of the Federal financial assistance shall govern. No agency, contractor, or subcontractor shall procure supplies or services in less than usual quantities to avoid applicability of the equal opportunity clause.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to contracts and subcontracts for indefinite quantities (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the equal opportunity clause shall be included unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $10,000. The applicability of the equal opportunity clause shall be determined by the purchaser at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the equal opportunity clause shall be applied to such contract whenever the amount of a single order exceeds $10,000. Once the equal opportunity clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) *Work outside the United States.* Contracts and subcontracts are exempt from the requirements of the equal opportunity clause with regard to work performed outside the United States by

employees who were not recruited within the United States.

(4) *Contracts with State or local governments.* The requirements of the equal opportunity clause in any contract or subcontract with a State or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract. In addition, State and local governments are exempt from the requirements of filling the annual compliance report provided for by § 60–1.7(a)(1) and maintaining a written affirmative action compliance program prescribed by § 60–1.40.

(b) *Specific contracts and facilities*—(1) *Specific contracts.* The Director may exempt an agency or any person from requiring the inclusion of any or all of the equal opportunity clause in any specific contract or subcontract when he deems that special circumstances in the national interest so require. The Director may also exempt groups or categories of contracts or subcontracts of the same type where he finds it impracticable to act upon each request individually or where group exemptions will contribute to convenience in the administration of the order.

(2) *Facilities not connected with contracts.* The Director may exempt from the requirements of the equal opportunity clause any of a prime contractor's or subcontractor's facilities which he finds to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, provided that he also finds that such an exemption will not interfere with or impede the effectuation of the order.

(c) *National security.* Any requirement set forth in these regulations in this part shall not apply to any contract or subcontract whenever the head of an agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirement is necessary to the national security. Upon making such a determination, the head of the agency will notify the Director in writing within 30 days.

(d) *Withdrawal of exemption.* When any contract or subcontract is of a class exempted under this section, the Director may withdraw the exemption for a specific contract or subcontract or group of contracts or subcontracts when in his judgment such action is necessary or appropriate to achieve the purposes of the order. Such withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurements entered into by formal advertising, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

§ 60–1.6 Duties of agencies.

(a) *General responsibility.* Each agency shall be primarily responsible for obtaining compliance with the equal opportunity clause, the order, the regulations in this part, and orders issued pursuant thereto. Each agency shall cooperate with the Director and shall furnish him such information and assistance as he may require in the performance of his functions under the order. Such information shall include compliance review reports, schedules of compliance reviews and any other information relevant to the administration of the order.

(b) *Agency program.* The head of each agency shall, subject to the prior approval of the Director, establish a program and promulgate procedures to carry out the agency's responsibilities for obtaining compliance with the order and regulations and orders issued pursuant thereto. Each agency head shall also designate a Contract Compliance Officer, who (unless otherwise approved by the Director) shall be appointed by the head of the agency from among the agency's executive personnel to whom the Executive Schedule applies, and such officer shall be subject to the immediate supervision of the head of the agency. All compliance reviews required pursuant to the regulations in this part and such other compliance reviews as the Contract Compliance Officer determines to be appropriate shall be conducted by him or his designee. The head of the agency or the Contract Compliance Officer may also designate a Deputy Contract Compliance Officer to assist the Contract Compliance Officer in the performance of his duties. The names of the Contract Compliance Officers and the Deputy Contract Compliance Officers, their addresses and telephone numbers, and any changes made in their designation shall be furnished to the Director.

(c) *Agency regulations.* The head of each agency shall prescribe regulations for the administration of the order and the regulations in this part. Agency regulations, directives and orders for such purpose must be submitted to the Director prior to issuance and may be enforced upon approval of the Director or 60 days after submission if not disapproved by the Director.

(d) *Award of contracts.* Sixty days after the effective date of the regulations in this part, each agency shall follow the procedures described below before the award of any nonexempt contract unless agency regulations providing alternative procedures have been issued or are under review by the Director in accordance with paragraph (c) of this section. Such alternative procedures may include monetary cutoffs and other limitations consistent with the agency resources and contracting processes.

(1) All Contracting Officers and officers approving applications for Federal financial assistance involving a construction contract shall notify the Contract Compliance Officer or appropriate Deputy as soon as practicable of the impending award of each nonexempt contract, the name and address of the prime contractor, anticipated time of performance, name and address of each known subcontractor, whether the prime contractor and known subcontractors have previously held any Government contracts or federally assisted construction contracts subject to Executive Order 10925, 11114, or 11246, and whether the prime contractor has previously filed compliance reports required by Executive Order 10925, 11114, or 11246, or by regulations of the Equal Employment Opportunity Commission issued pursuant to Title VII of the Civil Rights Act of 1964.

(2) The Contract Compliance Officer or appropriate Deputy shall review the available information relative to the prospective prime contractor's equal opportunity compliance status and notify the Contracting Officer or Approving Officer of any deficiencies found to exist. A copy of such report shall be forwarded to the Director.

(3) Contracting Officers or Approving Officers shall: (i) Notify the bidder, offeror, or applicant of any deficiencies found to exist by the Contract Compliance Officer or appropriate Deputy, and (ii) direct any bidder, offeror or applicant so notified to negotiate with the Contract Compliance Officer and to take such actions as the Contract Compliance Officer may require.

(4) The award of any such contract shall be conditioned upon the Contract Compliance Officer's notification to the Contracting Officer or Approving Officer that the bidder, offeror or applicant has taken action or has agreed to take action satisfactory to the Contract Compliance Officer, appropriate Deputy, or the head of the agency as provided in § 60–1.20(b). Any such agreement to take action shall be stated in the contract, if the Contract Compliance Officer so requires.

(e) *Evaluations.* The Director may from time to time evaluate the programs, procedures, and policies of agencies in order to assure their compliance with the order and the regulations in this part and the compliance of prime contractors and subcontractors with the equal opportunity clause.

§ 60–1.7 Reports and other required information.

(a) *Requirements for prime contractors and subcontractors.* (1) Each agency shall require each prime contractor and each prime contractor and subcontractor shall cause its subcontractors to file annually, on or before the 31st day of March, complete and accurate reports on Standard Form 100 (EEO–1) promulgated jointly by the Office of Federal Contract Compliance, the Equal Employment Opportunity Commission and Plans for Progress or such form as may hereafter be promulgated in its place if such prime contractor or subcontractor (i) is not exempt from the provisions of these regulations in accordance with § 60–1.5; (ii) has 50 or more employees; (iii) is a prime contractor or first tier subcontarctor; and (iv) has a contract, subcontract or purchase order amounting to $50,000 or more or serves as a depositary of Government funds in any amount, or is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes:

Provided, That any subcontractor below the first tier which performs construction work at the site of construction shall be required to file such a report if it meets requirements of subdivisions (i), (ii), and (iv) of this subparagraph.

(2) Each person required by § 60–1.7 (a) (1) to submit reports shall file such a report with the contracting or administering agency within 30 days after the award to him of a contract or subcontract, unless such person has submitted such a report within 12 months preceding the date of the award. Subsequent reports shall be submitted annually in accordance with § 60–1.7(a) (1), or at such other intervals as the agency or the Director may require. The agency with the approval of the Director may extend the time for filing any report.

(3) The Director, the agency or the applicant, on their own motions, may require a prime contractor to keep employment or other records and to furnish, in the form requested, within reasonable limits, such information as the Director, agency or the applicant deems necessary for the administration of the order.

(4) Failure to file timely, complete and accurate reports as required constitutes noncompliance with the prime contractor's or subcontractor's obligations under the equal opportunity clause and is ground for the imposition by the agency, the Director, an applicant, prime contractor or subcontractor, of any sanctions as authorized by the order and the regulations in this part. Any such failure shall be reported in writing to the Director by the agency as soon as practicable after it occurs.

(b) *Requirements for bidders or prospective contractors*—(1) *Previous reports.* Each agency shall require each bidder or prospective prime contractor and proposed subcontractor, where appropriate, to state in the bid or at the outset of negotiations for the contract whether it has participated in any previous contract or subcontract subject to the equal opportunity clause; and, if so, whether it has filed with the Joint Reporting Committee, the Director, an agency, or the former President's Committee on Equal Employment Opportunity all reports due under the applicable filing requirements. In any case in which a bidder or prospective prime contractor or proposed subcontractor which participated in a previous contract or subcontract subject to Executive Order 10925, 11114, or 11246 has not filed a report due under the applicable filing requirements, no contract or subcontract shall be awarded unless such contractor submits a report covering the delinquent period or such other period specified by the agency or the Director.

(2) *Additional information.* A bidder or prospective prime contractor or proposed subcontractor shall be required to submit such information as the agency or the Director requests prior to the award of the contract or subcontract. When a determination has been made to award the contract or subcontract to a specific contractor, such contractor shall be required, prior to award, or after the award, or both, to furnish such other information as the agency, the applicant, or the Director requests.

(c) *Use of reports.* Reports filed pursuant to this section shall be used only in connection with the administration of the order, the Civil Rights Act of 1964, or in furtherance of the purposes of the order and said Act.

§ 60–1.8 Segregated facilities.

(a) *General.* In order to comply with his obligations under the equal opportunity clause, a prime contractor or subcontractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, creed, color, or national origin cannot result. He may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. His obligation extends further to ensuring that his employees are not assigned to perform their services at any location, under his control, where the facilities are segregated. This obligation extends to all contracts containing the equal opportunity clause regardless of the amount of the contract. The term "facilities" as used in this section means waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, wash rooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees.

(b) *Certification by prime contractors and subcontractors.* Prior to the award of any nonexempt Government contract or subcontract or federally assisted construction contract or subcontract, each agency or applicant shall require the prospective prime contractor and each prime contractor and subcontractor shall require each subcontractor to submit a certification, in the form approved by the Director, that the prospective prime contractor or subcontractor does not and will not maintain any facilities he provides for his employees in a segregated manner, or permit his employees to perform their services at any location, under his control, where segregated facilities are maintained; and that he will obtain a similar certification in the form approved by the Director, prior to the award of any nonexempt subcontract.

§ 60–1.9 Compliance by labor unions and by recruiting and training agencies.

(a) Whenever compliance with the equal opportunity clause may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such an agreement shall be given an adequate opportunity to present their views to the Director.

(b) The Director shall use his best efforts, directly and through agencies, contractors, subcontractors, applicants, State and local officials, public and private agencies, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to comply in the implementation of, the purposes of the order.

(c) In order to effectuate the purposes of paragraph (a) of this section, the Director may hold hearings, public or private, with respect to the practices and policies of any such labor union or recruiting and training agency.

(d) The Director may notify any Federal, State, or local agency of his conclusions and recommendations with respect to any such labor organization or recruiting and training agency which in his judgment has failed to cooperate with himself, agencies, prime contractors, subcontractors, or applicants in carrying out the purposes of the order. The Director also may notify the Equal Employment Opportunity Commission, the Department of Justice, or other appropriate Federal agencies whenever he has reason to believe that the practices of any such labor organization or agency violates Title VII of the Civil Rights Act of 1964 or other provisions of Federal law.

Subpart B—General Enforcement; Compliance Review and Complaint Procedure

§ 60–1.20 Compliance reviews.

(a) The purpose of a compliance review is to determine if the prime contractor or subcontractor maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, creed, color, or national origin. It shall consist of a comprehensive analysis and evaluation of each aspect of the aforementioned practices, policies, and conditions resulting therefrom. Where necessary, recommendations for appropriate sanctions shall be made.

(b) Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation and persuasion. Before the contractor can be found to be in compliance with the order, it must make a specific commitment, in writing, to correct any such deficiencies. The commitment must include the precise action to be taken and dates for completion. The time period alloted shall be no longer than the minimum period necessary to effect such changes. Upon approval of the Contract Compliance Officer, appropriate Deputy or the agency head of such commitment, the contractor may be considered in compliance, on condition that the commitments are faithfully kept. The contractor shall be notified that making such commitments does not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance.

(c) The Compliance Agency shall have the primary responsibility for the conduct of compliance reviews. Agencies shall institute programs for the regular conduct of compliance reviews in accordance with the Director's guidelines,

and shall also conduct compliance reviews in accordance with any special requests or instructions of the Director. Compliance reviews may also be conducted by the Director. Compliance reviews should be conducted by qualified specialists regularly involved in equal opportunity programs.

(d) Each agency must include in the invitation for bids for each formally advertised supply contract which may result in a bid of $1 million or more, a notice (in the form approved by the Director) to prospective bidders that if their bid is in the amount of $1 million or more, the apparent low responsible bidder and his known first-tier subcontractors with subcontract of $1 million or more will be subject to a compliance review before the award of the contract. Before the award of any formally advertised supply contract of $1 million or more, a pre-award compliance review of the prospective contractor and his known first-tier $1 million subcontractors must be conducted by the Compliance Agency within 6 months prior to the award of the contract. If an agency other than the awarding agency is the Compliance Agency, the awarding agency will notify the Compliance Agency and request appropriate action and finding in accordance with this subsection. Compliance Agencies will provide awarding agencies with written reports of compliance reviews within 30 days following the requests. In order to qualify for the award of a contract, a contractor and such first-tier subcontractors must be found on the basis of such review to be able to comply with the equal opportunity clause or carry out an acceptable program for compliance as provided in paragraph (b) of this section.

§ 60–1.21 Who may file complaints.

Any employee of any contractor or applicant for employment with such contractor may, by himself or by an authorized representative, file in writing a complaint of alleged discrimination in violation of the equal opportunity clause. Such complaint is to be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the agency or the Director upon good cause shown.

§ 60–1.22 Where to file.

Complaints may be filed with the agency or with the Director. Those filed with the Director may be referred to the agency for processing, or they may be processed in accordance with § 60–1.25.

§ 60–1.23 Contents of complaint.

(a) The complaint should include the name, address, and telephone number of the complainant, the name and address of the prime contractor or subcontractor committing the alleged discrimination, a description of the acts considered to be discriminatory, and any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant or his authorized representative.

(b) Where a complaint contains incomplete information, the agency or the Director shall seek promptly the needed information from the complainant. In the event such information is not furnished to the agency or the Director within 60 days of the date of such request, the case may be closed.

§ 60–1.24 Processing of matters by agencies.

(a) *Complaints.* Where complaints are filed with the agency, the Contracts Compliance Officer shall transmit a copy of the complaint to the Director within 10 days after the receipt thereof.

(b) *Investigations.* The agency or Compliance Agency shall institute a prompt investigation of each complaint filed with it or referred to it, and shall be responsible for developing a complete case record. A complete case record consists of the name and address of each person interviewed, and a summary of his statement, copies or summaries of pertinent documents, and a narrative summary of the evidence disclosed in the investigation as it relates to each violation revealed. When a complaint is filed against a prime contractor or subcontractor who has contracts involving more than one agency, unless otherwise provided, the Compliance Agency shall conduct the investigation and make such findings and determinations as shall be appropriate for the administration of the order.

(c) *Resolution of matters.* (1) If the complaint investigation by the agency pursuant to paragraph (b) of this section shows no violation of the equal opportunity clause, the agency shall so inform the Director. The Director may review the findings of the agency, and he may request further investigation by the agency or may undertake such investigation as he may deem appropriate.

(2) If any complaint investigation or compliance review indicates a violation of the equal opportunity clause, the matter should be resolved by informal means whenever possible. Such informal means may include the holding of a compliance conference by the agency. Each prime contractor and subcontractor shall be advised that the resolution is subject to review by the Director and may be disapproved if he determines that such resolution is not sufficient to achieve compliance.

(3) Where any complaint investigation or compliance review indicates a violation of the equal opportunity clause and the matter has not been resolved by informal means, the Director or the agency, with the approval of the Director, shall afford the contractor an opportunity for a hearing. If the final decision reached in accordance with the provisions of § 60–1.26 is that a violation of the equal opportunity clause has taken place, the Director, or the agency with the approval of the Director, may cause the cancellation, termination, or suspension of any contract or subcontract, cause a contractor to be debarred from further contracts or subcontracts, or may impose such other sanctions as are authorized by the order.

(4) When a prime contractor or subcontractor, without a hearing, shall have complied with the recommendations or orders of an agency or the Director and believes such recommendations or orders to be erroneous, he shall, upon filing a request therefor within ten days of such compliance, be afforded an opportunity for a hearing and review of the alleged erroneous action by the agency or the Director.

(5) For reasonable cause shown, the Director or an agency head may reconsider or cause to be reconsidered any matter on his own motion or pursuant to a request.

(d) *Reports to the Director.* (1) Within 60 days from receipt of a complaint by the agency, or within such additional time as may be allowed by the Director for good cause shown, the agency or the Compliance Agency shall process the complaint and submit to the Director the case record and a summary report containing the following information:

(i) Name and address of the complainant;

(ii) Brief summary of findings, including a statement as to the agency's conclusions regarding the contractor's compliance or noncompliance with the requirements of the equal opportunity clause;

(iii) A statement of the disposition of the case, including any corrective action taken and any sanctions or penalties imposed or, whenever appropriate, the recommended corrective action and sanctions or penalties.

(2) A written report of every preaward compliance review required by this regulation or otherwise required by the Director, including findings, will be forwarded to the Director within 10 days after the award for a postaward review.

(3) A written report of every other compliance review or any other matter processed by the agency involving an apparent violation of the equal opportunity clause shall be submitted to the Director. Such report shall contain a brief summary of the findings, including a statement of conclusions regarding the contractor's compliance or noncompliance with the requirements of the order, and a statement of the disposition of the case, including any corrective action taken or recommended and any sanctions or penalties imposed or recommended.

§ 60–1.25 Assumption of jurisdiction by or referrals to the Director.

The Director may inquire into the status of any matter pending before an agency or a Compliance Agency, including complaints and matters arising out of reports, reviews, and other investigations. Where he considers it necessary or appropriate to the achievement of the purposes of the order, he may assume jurisdiction over the matter and proceed as provided herein. Whenever the Director assumes jurisdiction over any matter, or an agency refers any matter, he may conduct, or have conducted, such investigations, hold such hearings, make

such findings, issue such recommendations and directives, order such sanctions and penalties, and take such other action as may be necessary or appropriate to achieve the purposes of the order. The Director shall promptly notify the agency of any corrective action to be taken or any sanctions to be taken or any sanction to be imposed by the agency. The agency shall take such action, and report the results thereof to the Director within the time specified.

§ 60–1.26 Hearings.

(a) *Informal hearings*—(1) *Purpose.* The Director or any agency head with the approval of the Director may convene such informal hearings as may be deemed appropriate for the purpose of inquiring into the status of compliance by any prime contractor or subcontractor with the terms of the equal opportunity clause.

(2) *Notice.* Contractors and subcontractors shall be advised in writing as to the time and place of the informal hearing and may be directed to bring specific documents and records, or furnish other relevant information concerning their compliance status. When so requested, the prime contractor or subcontractor shall attend and bring requested documents and records, or other requested information.

(3) *Conduct of hearings.* The hearing shall be conducted by hearing officers appointed by the Director or an agency head. Parties to informal hearings may be represented by counsel and shall have a fair opportunity to present any relevant material. Formal rules of evidence will not apply to such proceedings.

(b) *Formal hearings*—(1) *General procedure.* The Director or the agency head, with the approval of the Director, may convene formal hearings pursuant to Subpart B of this part. Such hearings shall be conducted in accordance with procedures prescribed by the Director or the agency head. Reasonable notice of a hearing shall be sent by registered mail, return receipt requested, to the last known address of the prime contractor or subcontractor complained against. Such notice shall contain the time and place of hearing, a statement of the provisions of the order and regulations pursuant to which the hearing is to be held, and a concise statement of the matters pursuant to which the action furnishing the basis of the hearing has been taken or is proposed to be taken. Copies of such notice shall be sent to all agencies. Hearings shall be held before a hearing officer designated by the Director or an agency head. Each party shall have the right to counsel, a fair opportunity to present evidence and argument and to cross-examine. Wherever a formal hearing is based in whole or in part on matters subject to the collective bargaining agreement and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. Any other person or organization shall be permitted to participate upon a showing that such person or organization has an interest in the proceedings and may contribute materially to the proper disposition thereof. The hearing officer shall make his proposed findings and conclusions upon the basis of the record before him.

(2) *Cancellation, termination, and debarment.* No order for cancellation or termination of existing contracts or subcontracts or for debarment from further contracts or subcontracts pursuant to section 209 of the order shall be made without affording the prime contractor or subcontractor an opportunity for a hearing. When cancellation, termination, or debarment is proposed, the following procedure shall be observed:

(i) *Notice of proposed cancellation or termination.* Whenever the Director, or the head of an agency or his designee upon prior notification to the Director, proposes to cancel or terminate, or cause to be canceled or terminated, in whole or in part, a contract or contracts or to require cancellation or termination of a subcontract or subcontracts, a notice of the proposed action, in writing and signed by the Director or head of the agency or his designee, shall be sent to the last known address of the prime contractor or subcontractor, return receipt requested. A copy of such notice shall be sent to all agencies. The prime contractor or subcontractor shall be given at least 10 days from the receipt of the notice either to comply with the provisions of the contract or subcontract or to mail a request for a hearing to the Director or the agency.

(ii) *Notice of proposed ineligibility.* Whenever the Director, or the head of an agency or his designee, upon prior notification to the Director, proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under section 209 of the order, a notice of the proposed action, in writing and signed by the Director or head of the agency or his designee, shall be sent to the last known address of the prime contractor or subcontractor, return receipt requested. A copy of such notice shall be sent to all agencies. The prime contractor or subcontractor shall be given at least 10 days from the receipt of such notice in which to mail a request for a hearing to the Director or the agency.

(iii) *Suspension during pendency of hearing.* Whenever the prime contractor or subcontractor requests a hearing in accordance with these provisions, his contracts or subcontracts may be suspended, in the discretion of the Director, during the pendency of the hearing.

(iv) *Hearing request.* If at the end of the 10-day period referred to in subdivision (i) of this subparagraph, no request has been received, the Director or the head of the agency may cancel, suspend or terminate or cause to be canceled, suspended or terminated such contracts or subcontracts. If at the end of the 10-day period referred to in subdivision (ii) of this subparagraph no request has been received, the Director or the head of the agency may enter an order declaring the contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modifications of existing contracts, until such contractor or subcontractor shall have satisfied the Director that he has established and will carry out personnel and employment policies and practices in compliance with the provisions of the equal opportunity clause.

(v) *Decision following hearing.* When the hearing is conducted by an agency, the hearing officer shall make recommendations to the head of the agency who shall make a decision. No decision by the head of the agency, or his representatives, shall be final without the prior approval of the Director. When the hearing is conducted by a hearing officer appointed by the Director, the hearing officer shall make recommendations to the Director, who shall make the final decision. Parties shall be furnished with copies of the hearing officer's recommendations, and shall be given an opportunity to submit their views.

§ 60–1.27 Sanctions and penalties.

The sanctions described in subsections (1), (5), and (6) of section 209(a) of the order may be exercised only by or with the approval of the Director. Referral of any matter arising under the order to the Department of Justice or to the Equal Employment Opportunity Commission shall be made by the Director.

§ 60–1.28 Show cause notices.

When the Director has reasonable cause to believe that a contractor has violated the equal opportunity clause he may issue a notice requiring the contractor to show cause, within 30 days, why monitoring, enforcement proceedings or other appropriate action to ensure compliance should not be instituted.

§ 60–1.29 Preaward notices.

(a) *Preaward compliance reviews.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into contracts or subcontracts with any bidder, prospective prime contractor, or proposed subcontractor named by the Director until a preaward compliance review has been conducted and the Director or designated agency head or his designee has approved a determination that the bidder, prospective prime contractor or proposed subcontractor will be able to comply with the provisions of the equal opportunity clause.

(b) *Other special preaward procedures.* Upon the request of the Director, agencies shall not enter into contracts or approve the entry into subcontracts with any bidder; prospective prime contractor or proposed subcontractor specified by the Director until the agency has complied with the directions contained in the request.

§ 60–1.30 Contract ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have been declared ineligible under the regulations in this part and the order.

§ 60–1.31 Reinstatement of ineligible prime contractors and subcontractors.

Any prime contractor or subcontractor declared ineligible for further contracts or subcontracts under the order may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the equal opportunity clause.

§ 60–1.32 Intimidation and interference.

The sanctions and penalties contained in Subpart D of the order may be exercised by the agency or the Director against any prime contractor, subcontractor or applicant who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the order or any other Federal, State, or local laws requiring equal employment opportunity.

Subpart C—Ancillary Matters

§ 60–1.40 Affirmative action compliance programs.

(a) *Requirements of programs.* Each agency or applicant shall require each prime contractor who has 50 or more employees and a contract of $50,000 or more and each prime contractor and subcontractor shall require each subcontractor who has 50 or more employees and a subcontract of $50,000 or more to develop a written affirmative action compliance program for each of its establishments. A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. The contractor's program shall provide in detail for specific steps to guarantee equal employment opportunity keyed to the problems and needs of members of minority groups, including, when there are deficiencies, the development of specific goals and time tables for the prompt achievement of full and equal employment opportunity. Each contractor shall include in his affirmative action compliance program a table of job classifications. This table should include but need not be limited to job titles, principal duties (and auxiliary duties, if any), rates of pay, and where more than one rate of pay applies (because of length of time in the job or other factors) the applicable rates. The affirmative action compliance program shall be signed by an executive official of the contractor.

(b) *Utilization evaluation.* The evaluation of utilization of minority group personnel shall include the following:

(1) An analysis of minority group representation in all job categories.

(2) An analysis of hiring practices for the past year, including recruitment sources and testing, to determine whether equal employment opportunity is being afforded in all job categories.

(3) An analysis of upgrading, transfer and promotion for the past year to determine whether equal employment opportunity is being afforded.

(c) *Maintenance of programs.* Within 120 days from the commencement of the contract, each contractor shall maintain a copy of separate affirmative action compliance programs for each establishment, including evaluations of utilization of minority group personnel and the job classification tables, at each local office responsible for the personnel matters of such establishment. An affirmative action compliance program shall be part of the manpower and training plans for each new establishment and shall be developed and made available prior to the staffing of such establishment. A report of the results of such program shall be compiled annually and the program shall be updated at that time. This information shall be made available to representatives of the agency or Director upon request and the contractor's affirmative action program and the result it produces shall be evaluated as part of compliance review activities.

§ 60–1.41 Solicitations or advertisements for employees.

In solicitations or advertisements for employees placed by or on behalf of a prime contractor or subcontractor, the requirements of paragraph (2) of the equal opportunity clause shall be satisfied whenever the prime contractor or subcontractor complies with any of the following:

(a) States expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin;

(b) Uses display or other advertising, and the advertising includes an appropriate insignia prescribed by the Director. The use of the insignia is considered subject to the provisions of 18 U.S.C. 701;

(c) Uses a single advertisement, and the advertisement is grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, creed, color, or national origin;

(d) Uses a single advertisement in which appears in clearly distinguishable type the phrase "an equal opportunity employer."

§ 60–1.42 Notices to be posted.

(a) Unless alternative notices are prescribed by the Director or by the agency with the approval of the Director, the notices which prime contractors and subcontractors are required to post by paragraphs (1) and (3) of the equal opportunity clause will contain the following language and will be provided by the contracting or administering agencies:

EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW—DISCRIMINATION IS PROHIBITED BY THE CIVIL RIGHTS ACT OF 1964 AND BY EXECUTIVE ORDER NO. 11246

Title VII of the Civil Rights Act of 1964—*Administered by:*

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin by Employers with 75 or more employees, by Labor Organizations with a hiring hall of 75 or more members, by Employment Agencies, and by Joint Labor-Management Committees for Apprenticeship or Training. After July 1, 1967, employers and labor organizations with 50 or more employees or members will be covered; after July 1, 1968, those with 25 or more will be covered.

ANY PERSON

Who believes he or she has been discriminated against

SHOULD CONTACT

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1800 G Street NW.
Washington, D.C. 20506

Executive Order No. 11246—*Administered by:*

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE

Prohibits discrimination because of Race, Color, Creed, or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment. By all Federal Government Contractors and Subcontractors, and by Contractors Performing Work Under a Federally Assisted Construction Contract, regardless of the number of employees in either case.

ANY PERSON

Who believes he or she has been discriminated against

SHOULD CONTACT

THE OFFICE OF FEDERAL CONTRACT COMPLIANCE

U.S. Department of Labor
Washington, D.C. 20210

(b) The requirements of paragraph (3) of the equal opportunity clause will be satisfied whenever the prime contractor or subcontractor posts copies of the notification prescribed by or pursuant to paragraph (a) of this section in conspicuous places available to employees, applicants for employment and representatives of each labor union or other organization representing his employees with which he has a collective bargaining agreement or other contract or understanding.

§ 60–1.43 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to his books, records, and accounts pertinent to compliance with the order, and all rules and regulations promulgated pursuant thereto, by the agency, or the Director for purposes of investigation to ascertain compliance with the equal opportunity clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the order, the administration of the Civil

Rights Act of 1964, and in furtherance of the purposes of the order and that Act.

§ 60–1.44 Rulings and interpretations.

Rulings under or interpretations of the order or the regulations contained in this part shall be made by the Secretary or his designee.

§ 60–1.45 Existing contracts and subcontracts.

All contracts and subcontracts in effect prior to October 24, 1965, which are not subsequently modified shall be administered in accordance with the nondiscrimination provisions of any prior applicable Executive orders. Any contract or subcontract modified on or after October 24, 1965, shall be subject to Executive Order 11246. Complaints received by and violations coming to the attention of agencies regarding contracts and subcontracts which were subject to Executive Orders 10925 and 11114 shall be processed as if they were complaints regarding violations of this order.

§ 60–1.46 Delegation of authority by the Director.

The Director is authorized to redelegate the authority given to him by the regulations in this part. The authority redelegated by the Director pursuant to the regulations in this part shall be exercised under his general direction and control.

§ 60–1.47 Effective date.

The regulations contained in this part shall become effective July 1, 1968, for all contracts, the solicitations, invitations for bids, or requests for proposals which were sent by the Government or an applicant on or after said effective date, and for all negotiated contracts which have not been executed as of said effective date. Notwithstanding the foregoing, the regulations in this part shall become effective as to all contracts executed on and after the 120th day following said effective date. Subject to any prior approval of the Secretary, any agency may defer the effective date of the regulations in this part, for such period of time as the Secretary finds to be reasonably necessary. Contracts executed prior to the effective date of the regulations in this part shall be governed by the regulations promulgated by the former President's Committee on Equal Employment Opportunity which appear at 28 F.R. 9812, September 2, 1963, and at 28 F.R. 11305, October 23, 1963, the temporary regulations which appear at 30 F.R. 13441, October 22, 1965, and the orders at 31 F.R. 6881, May 10, 1966, and 32 F.R. 7439, May 19, 1967.

Signed at Washington, D.C., this 21st day of May 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–6298; Filed, May 27, 1968; 8:45 a.m.]