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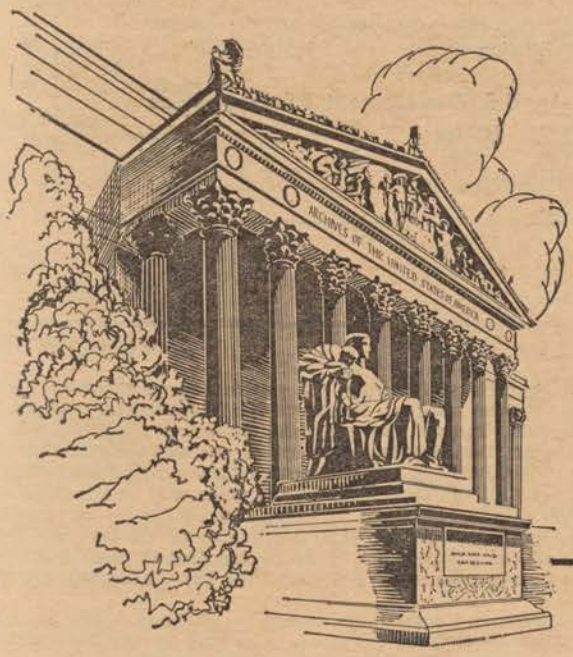


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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.**

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## Title 3—THE PRESIDENT

### Proclamation 3856

### PROCLAMATION AMENDING PART 3 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE IMPORTATION OF AGRICULTURAL COMMODITIES

**By the President of the United States of America**

**A Proclamation**

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS, in accordance with section 102(3) of the Tariff Classification Act of 1962, the President by Proclamation No. 3548 of August 21, 1963, proclaimed the additional import restrictions set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS the import restrictions on certain dairy products set forth in part 3 of the Appendix to the Tariff Schedules of the United States as proclaimed by Proclamation No. 3548 have been amended by Proclamation No. 3558 of October 5, 1963, Proclamation No. 3562 of November 26, 1963, Proclamation No. 3597 of July 7, 1964, section 88 of the Tariff Schedules Technical Amendments Act of 1965 (79 Stat. 950), Proclamation No. 3709 of March 31, 1966, and Proclamation No. 3790 of June 30, 1967; and

WHEREAS, pursuant to said section 22 the Secretary of Agriculture has advised me there is reason to believe that the dairy products described hereinafter are being imported, and are practically certain to be imported, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat, and to reduce substantially the amount of condensed and evaporated milk and cream processed in the United States from domestic milk and butterfat; and

WHEREAS, under the authority of section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS the Secretary of Agriculture has determined and reported to me that a condition exists with respect to condensed and evaporated milk and cream, classifiable for tariff purposes under items 115.30, 115.35, and 115.40 of the Tariff Schedules of the United States which requires emergency treatment and that the limitations, hereinafter set forth, on the quantities of such dairy products which may be imported in a quota year should be imposed without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS I find and declare that condensed and evaporated milk and cream classifiable for tariff purposes under items 115.30, 115.35, and 115.40 of the Tariff Schedules of the United States are being imported and are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat, and to reduce substantially the amount of condensed and evaporated milk and cream processed in the United States from domestic milk and butterfat; and that a condition exists with respect thereto which requires emergency treatment and that the limitations, hereinafter set forth, on the quantities of such dairy products which may be imported in a quota year should be imposed without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS I find and declare that for the purpose of the first proviso of section 22(b) of the Agricultural Adjustment Act, as amended, the representative period for imports of such articles is the calendar year 1967; and

WHEREAS I find and declare that the imposition of the import restrictions hereinafter proclaimed is necessary in order that the entry, or withdrawal from warehouse, for consumption of such articles will not render or tend to render ineffective or materially interfere with the price support program now conducted by the Department of Agriculture for milk and butterfat, or reduce substantially the amount of condensed and evaporated milk and cream processed in the United States from domestic milk and butterfat;

NOW THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows:

(1) item 950.00 is renumbered 949.80.

(2) item 949.90 is added following item 949.80, which reads as follows:

949.90 Milk and cream, condensed or evaporated, classifiable for tariff purposes under items 115.30, 115.35, and 115.40:

For the 12-month period ending December 31, 1968, the quantity entered on or before the date of this amendment, plus the following quantities:

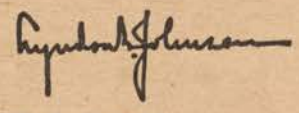
| Country of Origin | Evaporated | | Condensed | |
|---|---|---|---|---|
| | In Airtight Containers | Other | In Airtight Containers | Other |
| Netherlands | 604,500 lbs | None | 196,000 lbs | None. |
| Canada | 35,000 lbs | None | 1,096,000 lbs | 2,500 lbs. |
| Denmark | 5,500 lbs | None | 667,000 lbs | None. |
| W. Germany | 11,000 lbs | None | None | None. |
| Australia | None | None | 101,000 lbs | None. |
| Other | None | None | 4,000 lbs | None. |

For each subsequent 12-month period, the following quantities:

| Country of Origin | Evaporated | | Condensed | |
|---|---|---|---|---|
| | In Airtight Containers | Other | In Airtight Containers | Other |
| Netherlands | 1,209,000 lbs | None | 338,000 lbs | None. |
| Canada | 70,000 lbs | None | 2,192,000 lbs | 5,000 lbs. |
| Denmark | 11,000 lbs | None | 1,334,000 lbs | None. |
| W. Germany | 22,000 lbs | None | None | None. |
| Australia | None | None | 202,000 lbs | None. |
| Other | None | None | 8,000 lbs | None. |

Pending Presidential action upon receipt of the report and recommendation of the Tariff Commission with respect thereto, the quotas established by item 949.90 shall be applicable to articles entered in the 12-month period beginning January 1, 1968, and in each subsequent 12-month period. Such quotas shall not be applicable to quantities of articles covered by item 949.90, which were exported to the United States prior to the date of this amendment but not entered prior to the date of this amendment.

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



[F.R. Doc. 68-6990; Filed, June 10, 1968; 4:48 p.m.]

## Executive Order 11412

### ESTABLISHING A NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE

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

SECTION 1. *Establishment of the Commission.* (a) There is hereby established a National Commission on the Causes and Prevention of Violence (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of:

Dr. Milton Eisenhower, *Chairman*
Congressman Hale Boggs
Archbishop Terence J. Cooke
Ambassador Patricia Harris
Senator Philip A. Hart
Judge A. Leon Higginbotham
Eric Hoffer
Senator Roman Hruska
Albert E. Jenner, Jr.
Congressman William M. McCulloch

The President from time to time may appoint additional members to the Commission, and may designate additional officers thereof.

SEC. 2. *Functions of the Commission.* The Commission shall investigate and make recommendations with respect to:

(a) The causes and prevention of lawless acts of violence in our society, including assassination, murder and assault;

(b) The causes and prevention of disrespect for law and order, of disrespect for public officials, and of violent disruptions of public order by individuals and groups; and

(c) Such other matters as the President may place before the Commission.

SEC. 3. *Compensation of Members of the Commission.* (a) Members of the Commission who are otherwise compensated by the United States for full-time service shall serve without compensation in addition to that received for their full-time service; but they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law.

(b) Other Members of the Commission shall receive compensation in accordance with law when engaged in the actual performance of duties vested in the Commission. In addition they shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, for persons in the Government service employed intermittently.

SEC. 4. *Staff of the Commission.* (a) The Commission shall have an Executive Director, appointed by the President, who shall receive such compensation as may be directed by the President in accordance with law.

(b) The Commission is authorized to appoint such additional personnel as it deems necessary, to fix their compensation in accordance with law, and to obtain services in accordance with the provisions of 5 U.S.C. 3109.

SEC. 5. *Cooperation by Executive Departments and Agencies.* (a) The Commission, acting through its Chairman, is authorized to request from any executive department or agency any information and assistance deemed necessary to carry out its functions under this Order. Each department or agency is directed, to the extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

(b) The General Services Administration shall provide administrative services for the Commission.

SEC. 6. *Report and Termination.* The Commission shall present its report and recommendations as soon as practicable, but not later than one year from the date of this Order. The Commission shall terminate thirty days following the submission of its final report or one year from the date of this Order, whichever is earlier.

THE WHITE HOUSE,
*June 10, 1968.*

[F.R. Doc. 68-6979; Filed, June 10, 1968; 3:57 p.m.]

# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

### Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one of the two positions of Confidential Secretary to the Assistant Secretary for Program Coordination no longer is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (k) of § 213.3316 is amended as set out below.

**§ 213.3316 Department of Health, Education, and Welfare.**

* * * * *

(k) *Office of the Assistant Secretary for Program Coordination.* (1) One Confidential Secretary to the Assistant Secretary.

* * * * *

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

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

[F.R. Doc. 68–6911; Filed, June 11, 1968; 8:47 a.m.]

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### PART 213—EXCEPTED SERVICE

### Department of Transportation

Section 213.3394 is amended to show that the position of Confidential Secretary to the Assistant Secretary for Research and Technology is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (11) is added to paragraph (a) of § 213.3394 as set out below.

**§ 213.3394 Department of Transportation.**

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

(11) One Confidential Secretary to the Assistant Secretary for Research and Technology.

* * * * *

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

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

[F.R. Doc. 68–6912; Filed, June 11, 1968; 8:47 a.m.]

## Title 7—AGRICULTURE

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

### PART 966—TOMATOES GROWN IN FLORIDA

### Order Amending Order Regulating Handling

**§ 966.0 Findings and determinations.**

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Orlando, Fla., on December 1, 1967, upon proposed amendments to Marketing Agreement No. 125 and Order No. 966 (7 CFR Part 966; formerly Order No. 45, Part 945) regulating the handling of tomatoes grown in the Florida production area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is hereby found that:

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

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

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

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area and to different stages of maturity, as are necessary to give due recognition to the differences in the production and marketing of tomatoes produced in the production area; and

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

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping tomatoes covered by this order) who during the representative period (Aug. 1, 1966, through July 31, 1967) handled more than 50 percent of the volume of tomatoes covered by the said order have signed the marketing agreement, as amended, regulating the handling of tomatoes grown in the production area; and

(2) The issuance of this order, amending the order, is approved or favored (i) by at least two-thirds of the producers of tomatoes who participated in a referendum held during the period March 16–23, 1968, and who, during the determined representative period (Aug. 1, 1966, through July 31, 1967) were engaged within the production area in the production of tomatoes for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such tomatoes produced for market within the production area.

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

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

**§ 966.4 Production area and regulation area.**

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

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

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

**§ 966.6 Handler.**

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting tomatoes for another person) who,

as owner, agent, or otherwise, handles fresh tomatoes or causes fresh tomatoes to be handled.

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

**§ 966.7 Handle.**

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

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

**§ 966.22 Establishment and membership.**

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

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

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

**§ 966.24 Districts.**

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

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

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

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

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

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

**§ 966.27 Nomination.**

* * * * *

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

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

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

* * * * *

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

**§ 966.32 Procedure.**

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

* * * * *

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

**§ 966.44 Excess funds.**

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

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, to the extent practical it shall be refunded proportionately to the persons from whom it was collected.

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

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

**§ 966.52 Issuance of regulations.**

* * * * *

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

* * * * *

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

Effective date: Issued at Washington, D.C., June 7, 1968, to become effective July 12, 1968.

JOHN A. SCHNITTKER,
*Under Secretary.*

[F.R. Doc. 68-6923; Filed, June 11, 1968; 8:48 a.m.]

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

[Milk Order 90]

## PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

### Order Amending Order

**§ 1090.0 Findings and determinations.**

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

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

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

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

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

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the

current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to skim milk and butterfat contained in (a) producer milk, (b) other source milk allocated to Class I pursuant to § 1090.46 (a) (3) and (7) and the corresponding steps of § 1090.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga, Tenn., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1090.3 is revised to read as follows:

**§ 1090.3 Chattanooga, Tenn., marketing area.**

The Chattanooga, Tenn., marketing area, hereinafter called the "marketing area", means all the territory within the boundaries of the following counties:

IN TENNESSEE

Bradley.
Hamilton.
Marion.
McMinn.
Meigs.
Monroe.
Polk.
Rhea.
Sequatchie.

IN GEORGIA

Catoosa.
Chattooga.
Dade.
Fannin.
Murray.
Walker.
Whitfield.

2. Section 1090.7(a) is revised to read as follows:

**§ 1090.7 Pool plant.**

* * * * *

(a) Milk distributing plant approved or recognized by a duly constituted health authority for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on routes and from which Class I milk equal to not less than 15 percent of its total Class I disposition is disposed of during the month on routes in the marketing area;

* * * * *

3. Section 1090.10 is revised to read as follows:

**§ 1090.10 Producer-handler.**

"Producer-handler" means an approved dairy farmer who:

(a) Operates a plant from which Class I milk is disposed of on routes in the marketing area;

(b) Receives no fluid milk products from other dairy farmers or from sources other than pool plants; and

(c) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts from pool plants) and the operation of the processing, packaging, and distribution business are the personal enterprise and risk of such person.

4. In § 1090.41(b), subparagraphs (4) and (5) are revised to read as follows:

**§ 1090.41 Classes of utilization.**

* * * * *

(b) * * *

(4) Disposed of and used as livestock feed, or dumped after prior notification to, and opportunity for verification by, the market administrator;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1090.42(b) (1) but not to exceed the following:

(i) Two percent of producer milk (except that diverted pursuant to § 1090.6) and milk that is received as diverted milk and that is subject to the pricing and pooling provisions of Part 1101 (Knoxville) of this chapter;

(ii) Plus 1.5 percent of fluid milk products (except cream) received in bulk from pool plants of other handlers;

(iii) Plus 1.5 percent of receipts of fluid milk products in bulk from other order plants, exclusive of the quantity for which Class II utilization was requested by the operators of such plants and the handler;

(iv) Plus 1.5 percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; and

(v) Less 1.5 percent of fluid milk products (except cream) transferred in bulk to pool plants and nonpool plants; and

* * * * *

5. In § 1090.46(a), a new subparagraph (1–a) is added to read as follows:

**§ 1090.46 Allocation of skim milk and butterfat classified.**

* * * * *

(a) * * *

(1–a) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products received from an unregulated supply plant or the pounds of skim milk classified as Class I milk and transferred or diverted during the month to such plant, whichever is less;

* * * * *

6. Section 1090.52(a) is revised to read as follows:

**§ 1090.52 Butterfat differentials to handlers.**

* * * * *

(a) *Class I milk price.* Multiply the Chicago butter price for the preceding month by 0.12; and

* * * * *

7. In § 1090.72, paragraphs (b) and (d) are revised to read as follows:

**§ 1090.72 Computation of uniform prices for base milk and excess milk.**

* * * * *

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.5 percent butterfat content received from producers; and

* * * * *

(d) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section times the hundredweight of excess milk, from the amount computed pursuant to paragraph (c) of this section;

* * * * *

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

Effective date: August 1, 1968.

Signed at Washington, D.C., on June 7, 1968.

JOHN A. SCHNITTKER,
*Under Secretary.*

[F.R. Doc. 68-6924; Filed, June 11, 1968; 8:47 a.m.]

# Title 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

### MISCELLANEOUS AMENDMENTS TO CHAPTER

On November 22, 1967, the Atomic Energy Commission published in the FEDERAL REGISTER (32 F.R. 16050) proposed amendments of its rules of practice, 10 CFR Part 2, including amendments to Appendix A of that part, Statement of General Policy: Conduct of Proceedings for the Issuance of

Construction Permits for Production and Utilization Facilities for Which a Hearing Is Required Under Section 189a of the Atomic Energy Act of 1954, As Amended (Statement of General Policy), and conforming amendments to 10 CFR Part 50, Licensing of Production and Utilization Facilities and 10 CFR Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements. The proposed amendments were intended to expedite the Commission's facility licensing procedures in contested cases and clarify certain provisions in existing regulations.

The proposed amendments to Part 2 reflected in part the recommendations made by a three-member Regulatory Review Panel appointed by the Commission to study contested proceedings involving applications to construct and operate nuclear facilities. A contested proceeding is a proceeding in which there is a controversy between the AEC regulatory staff and the applicant concerning the issuance of the license or any of its terms and conditions, or in which a petition for leave to intervene in opposition to an application for a license has been granted or is pending before the Commission. The Panel's report was submitted on June 15, 1967.

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received, the Commission has adopted the amendments which follow. Except for minor and clarifying changes to paragraph (a) of section I, Preliminary Matters, and paragraph (e) of section II, Prehearing Conference, of Appendix A of Part 2, the amendments are the same as those set out in the notice of proposed rule making.

Section 2.714(a) of Part 2 now requires a petitioner for leave to intervene in a Commission proceeding to set forth, among other things, his contentions. The amendment of § 2.714(a) which follows requires those contentions to be reasonably specific. It also provides that petitions which set forth contentions relating only to matters outside the jurisdiction of the Commission will be denied. These amendments are designed merely to state more clearly the Commission's long-standing policy of excluding from consideration in licensing hearings matters which are outside the Commission's regulatory jurisdiction. As revised, § 2.714(a) also requires the petition to be filed within such time as may be specified in the notice of hearing, or as permitted by the presiding officer, and continues to provide that a petition which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

Section 2.721(b) of Part 2 has been amended to provide for the appointment of alternates for atomic safety and licensing boards who are qualified in the conduct of administrative proceedings. Section 2.721(b) presently provides for the appointment of technically qualified alternates for the boards.

Certain recommendations of the Regulatory Review Panel, and other perfecting or clarifying changes, are reflected in the amendments to the statement of general policy which follow. Those which may be of particular interest are: (1) a provision that pre-hearing conferences will usually be held in the Washington, D.C., area, but that due regard shall be had for the convenience and necessity of the parties or their representatives; (2) a provision recognizing that requests may be made for a separate hearing on the matter of site selection; (3) a provision indicating that it is desirable for the applicant's summary of the application to discuss the evolution of the proposed reactor design from the design of reactors which have previously been approved or built; (4) a provision encouraging the submission to the atomic safety and licensing board of the applicant's summary of the application, as well as the regulatory staff's safety analysis, at least two weeks prior to the date specified in the notice of hearing for the receipt of petitions for leave to intervene; (5) a provision that atomic safety and licensing boards, in testing the sufficiency of the information contained in the application and in the record, and the adequacy of the regulatory staff's review, to support the proposals of the Director of Regulation in an uncontested proceeding, should be mindful that the applicant, not the regulatory staff, is the proponent of the license; (6) a provision clarifying the point that in contested proceedings, an atomic safety and licensing board may obtain information from the Chairman or Vice Chairman of the Atomic Safety and Licensing Board Panel for the purpose of identifying relevant decisions or statements of Commission policy; and (7) a provision that two members of an atomic safety and licensing board constitute a quorum if one of those members is the member qualified in the conduct of administrative proceedings.

The amendments set out below are a further indication of the Commission's intention to adopt from time to time amendments of its regulations which experience in the operation of atomic safety and licensing boards might indicate as being necessary or desirable.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 50, and 115, are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

## PART 2—RULES OF PRACTICE

1. The first sentence of § 2.104(a) is amended by inserting "at least" before "thirty (30) days" where it appears. As amended, the first sentence of § 2.104(a) reads as follows:

**§ 2.104 Notice of hearing.**

(a) In the case of an application on which a hearing is required by the Act or this chapter, or in which the Commission finds that a hearing is required in the public interest, the Secretary will issue a notice of hearing to be published in the FEDERAL REGISTER as required by law at least fifteen (15) days, and in the case of an application concerning a facility, at least thirty (30) days, prior to the date set for hearing in the notice. * * *

* * * * *

2. Paragraph (a) of § 2.714 is amended to read as follows:

**§ 2.714 Intervention.**

(a) Any person whose interest may be affected by a proceeding and who desires to participate as a party shall file a written petition under oath or affirmation for leave to intervene not later than the time specified in the notice of hearing, or as permitted by the presiding officer. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied. A petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

* * * * *

3. Paragraph (b) of § 2.721 is amended to read as follows:

**§ 2.721 Atomic safety and licensing boards.**

* * * * *

(b) The Commission may designate a technically qualified alternate or an alternate qualified in the conduct of administrative proceedings, or both, for an atomic safety and licensing board established pursuant to paragraph (a) of this section. If a member of a board becomes unavailable before the hearing commences, the Chairman of the Atomic Safety and Licensing Board Panel may constitute the technically qualified alternate or the alternate qualified in the conduct of administrative proceedings, as appropriate, as a member of the board by notifying the Commission and the alternate who will, as of the date of such notification, serve as a member of the board.

* * * * *

4. Paragraphs (a) and (b) of section I of Appendix A to Part 2 are amended to read as follows:

I. PRELIMINARY MATTERS

(a) A public hearing is announced by the issuance of a notice of hearing signed by the Commission's Secretary, stating the nature of the hearing, its time and place and the issues to be considered. When a hearing is to be held before a board, the notice of hearing will ordinarily designate the chairman and the other members. The time and place of the prehearing conference will

ordinarily be stated in the notice of hearing. Subject to the provisions of paragraph (b) below, the prehearing conference will usually be held in the Washington, D.C., area. It is the Commission's policy and practice to hold the evidentiary hearing in the vicinity of the site of the proposed facility. The notice of hearing is published in the FEDERAL REGISTER at least 30 days prior to the date of hearing. In addition, a public announcement is issued by the Commission regarding the date and place of the hearing. The notice of nearing also states the procedures whereby persons may seek to intervene or make a limited appearance, explains the differences between those forms of participation in the proceeding, and states the times and places of the availability, in an appropriate office near the site of the proposed facility, of the notice of hearing, the report of the Advisory Committee on Reactor Safeguards, the applicant's summary of the application, and the staff safety analysis.

(b) In fixing the time and place of the prehearing conference or of any postponed hearing, due regard shall be had for the convenience and necessity of the parties or their representatives, as well as of the board members.

* * * * *

5. Paragraphs (e) and (f) of section I of Appendix A of Part 2 are redesignated paragraphs (f) and (g), respectively, and a new paragraph (e) is added to read as follows:

I. PRELIMINARY MATTERS

* * * * *

(e) It is possible that a party may request the Commission to consider the matter of the suitability of the proposed site separately from, and prior to, other questions relating to the effect of the construction and operation of the facility upon the public health and safety and the common defense and security. If the Commission should grant such a request, the notice of hearing or an appropriate amendment thereto will state the time and place of the separate hearing on the site question.

* * * * *

6. Paragraphs (b) and (e) of section II of Appendix A of Part 2 are amended and a new paragraph (f) is added to read as follows:

II. PREHEARING CONFERENCE

* * * * *

(b) The prehearing conference is usually held approximately two weeks before the opening of the evidentiary hearing. Prehearing conferences are open to the public except under exceptional circumstances involving matters such as those referred to in 10 CFR 2.790 (a) and (b) ("company confidential" information; classified information; and certain privileged information not normally a part of the hearing record).

* * * * *

(e) The applicant, the regulatory staff and other parties will ordinarily provide each other and the board with copies of prepared testimony in advance of the hearing. A schedule may be established at the prehearing conference for exchange of prepared testimony. The applicant ordinarily files a summary of his application, including a summary description of the reactor and his evaluation of the considerations important to safety, and the staff files a safety analysis prior to the hearing. These may constitute the testimony of witnesses sworn at the hearing. It is desirable for the applicant's summary statement to include, as appropriate, a discussion of the evolution of the proposed reactor design, including associated engineered safety features, from the design of reactors which have previously been approved or built. All of these documents and prepared testimony are filed in the Commission's Public Document Room and are available for public inspection.

(f) The conduct of the prehearing conference will be facilitated if the board is provided with the applicant's summary of the application and the staff's safety analysis well in advance of the prehearing conference. Failure of the board to receive those documents at least 2 weeks prior to the date specified in the notice of hearing for the receipt of petitions for leave to intervene may result in a rescheduling of the prehearing conference and the hearing.

7. Subparagraphs (b) (2), (3), and (4) of section III of Appendix A of Part 2 are amended to read as follows:

III. THE HEARING

* * * * *

(b) *Intervention and limited appearances.* * * *

(2) The chairman should inquire of those in attendance whether there are any who wish to participate in the hearing by limited appearance.

(3) The board should rule on each request to participate in the hearing on either basis. The Commission's rules require that a petition for intervention be filed not later than the time specified in the notice of hearing. A board has general authority to extend the time for good cause with respect to allowing intervention.

(4) As required by § 2.714 of 10 CFR Part 2, a person who wishes to intervene must set forth, in a petition for leave to intervene, his interest in the proceeding, how the interest may be affected by Commission action, and his contentions in reasonably specific detail. After consideration of any answers, the board will rule on the petition. Petitions which set forth contentions relating only to matters outside the jurisdiction of the Commission will be denied. In any event, the board should not permit enlarging of the issues, or receive evidence from an intervenor, with respect to matters beyond the jurisdiction of the Commission.

* * * * *

8. Subparagraph (c) (7) of section III of Appendix A of Part 2 is revised to read as follows:

III. THE HEARING

* * * * *

(c) * * *

(7) Objections may be made by counsel to any questions or any line of questioning, and should be ruled upon by the board. The board may admit the testimony, may sustain the objection, or may receive the testimony, reserving for later determination the question of admissibility. In passing on objections, the board, while not bound to view proferred testimony according to its admissibility under strict application of the rules of evidence in judicial proceedings, should exclude testimony that is clearly irrelevant to issues in the case, or that pertains to matters outside the jurisdiction of the board or the Atomic Energy Commission. Examples of matters which are considered irrelevant to the issues in the case or outside the jurisdiction of the board or the Atomic Energy Commission include the thermal effects (as opposed to the radiological effects) of the facility operation on the environment; the effect of the construction of the facility on the recreational, economic or political activities of the area near the site; and matters of aesthetics with respect to the proposed construction. Irrelevant material in prepared testimony submitted in advance under § 2.743(b) may be subject to a motion to strike under the procedures provided in § 2.730.

* * * * *

9. Paragraph (g) of section III of Appendix A of Part 2 is revised to read as follows:

III. THE HEARING

* * * * *

(g) Participation by board members. (1) Boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the testimony of the regulatory staff and the applicant, and the conclusions of the ACRS, which have not been controverted by any party. The role of the board is to decide whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the provisional construction permit proposed by the Director of Regulation. The board will not conduct a de novo evaluation of the application, but rather, will test the sufficiency of the information contained in the application and the record of the proceeding and the adequacy of the staff's review to support the proposals of the Director of Regulation. In doing so, the board is expected to be mindful of the fact that it is the applicant, not the regulatory staff, who is the proponent of the provisional construction permit. If the board believes that additional information is required in the technical presentation in such a case, it would be expected to request the applicant or staff to supplement the presentation, again being mindful of the fact that it is the applicant, not the regulatory staff, who is the proponent of the provisional construction permit. If a recess should prove necessary to obtain such additional evidence, the recess should ordinarily be postponed until available evidence on all issues has been received.

* * * * *

10. Paragraphs (a) and (b) of section V of Appendix A of Part 2 are amended to read as follows:

V. GENERAL

(a) Two members, being a majority of the board, constitute a quorum, if one of those members is the member qualified in the conduct of administrative proceedings. The vote of a majority controls in any decision by a board, including rulings during the course of a hearing as well as formal orders and the initial decision. A dissenting member is of course, free to express his dissent and the reasons for it in a separate opinion for the record.

(b) The Commission may designate a technically qualified alternate or an alternate qualified in the conduct of administrative proceedings, or both, for a board. The alternates will receive copies and become familiar with the application and other documents filed by the parties prior to the start of the hearing. It is expected that an alternate will be constituted by the Chairman of the Atomic Safety and Licensing Board Panel as a member of the board in situations where a technically qualified member of the board, or the member qualified in the conduct of administrative proceedings, becomes unavailable for further service prior to the start of the hearing.

* * * * *

11. Paragraph (b) of section VI of Appendix A of Part 2 is amended to read as follows:

VI. PROCEDURES APPLICABLE TO CONTESTED PROCEEDINGS

* * * * *

(b) Issues to be decided by board:

The board will, if the proceeding becomes a contested proceeding, make findings on the issues specified in the notice. In a contested proceeding, the board will determine:

(1) * * *
(2) * * *
(3) * * *
(4) * * *

In considering those issues, however, the board will, as to matters not in controversy, be neither required nor expected to duplicate the review already performed by the Commission's regulatory staff and the ACRS; the board is authorized to rely upon the testimony of the regulatory staff and the applicant, and the conclusions of the ACRS, which are not controverted by any party.

* * * * *

12. Paragraph (d) of section VI of Appendix A of Part 2 is amended to read as follows:

VI. PROCEDURES APPLICABLE TO CONTESTED PROCEEDINGS

* * * * *

(d) Participation by board members:

In contested proceedings, the board will determine controverted matters as well as decide whether the findings required by the Act and the Commission's regulations should be made. Thus, in such proceedings, the board will determine the matters in controversy and may be called upon to make technical judgments of its own on those matters. As to matters which are not in controversy, boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the testimony of the regulatory staff and the applicant, and the conclusions of the ACRS, which are not controverted by any party. Thus, the board need not evaluate those matters already evaluated by the staff which are not in controversy.

* * * * *

13. Paragraphs (f) and (g) of section VI of Appendix A of Part 2 are redesignated paragraphs (g) and (h), respectively; a new paragraph (f) is added and redesignated paragraph (h) is amended to read as follows:

VI. PROCEDURES APPLICABLE TO CONTESTED PROCEEDINGS

* * * * *

(f) Briefs and oral argument:

If, at the close of the hearing, the board should have uncertainties with respect to the matters in controversy because of a need for a clearer understanding of the evidence which has already been presented, it is expected that the board would normally invite further argument from the parties—oral or written or both—before issuing its initial decision. If the uncertainties arise from lack of sufficient information in the record, it is expected that the board would normally require further evidence to be submitted in writing with opportunity for the other parties to reply or reopen the hearing for the taking of further evidence, as appropriate; as to either of such courses, it is expected that the applicant would normally be afforded the opportunty to make the final submission.

* * * * *

(h) The intra-agency consultation and communications referred to in section V(c) are not permitted in contested proceedings. A board may, however, obtain information from the Chairman or Vice Chairman of the Atomic Safety and Licensing Board Panel for the purpose of identifying relevant decisions or statements of Commission policy.

## PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

14. Paragraph (b) of § 50.58 of Part 50 is amended to read as follows:

**§ 50.58 Hearings and report of the Advisory Committee on Reactor Safeguards.**

* * * * *

(b) The Commission will hold a hearing after at least 30 days' notice and publication once in the FEDERAL REGISTER on each application for a construction permit for a production or utilization facility which is of a type described in § 50.21(b) or § 50.22 or which is a testing facility. When a construction permit has been issued for such a facility following the holding of a public hearing and an application is made for an operating license or for an amendment to a construction permit or operating license, the Commission may hold a hearing after at least 30 days' notice and publication once in the FEDERAL REGISTER or, in the absence of a request therefor by any person whose interest may be affected, may issue an operating license or an amendment to a construction permit or operating license without a hearing, upon 30 days' notice and publication once in the FEDERAL REGISTER of its intent to do so. If the Commission finds that no significant hazards consideration is presented by an application for an amendment to a construction permit or operating license, it may dispense with such notice and publication and may issue the amendment.

## PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

15. Paragraph (b) of § 115.46 of Part 115 is amended to read as follows:

**§ 115.46 Hearings and reports of the Advisory Committee on Reactor Safeguards.**

* * * * *

(b) The Commission will hold a hearing after at least 30 days' notice and publication once in the FEDERAL REGISTER on each application for authorization to construct a nuclear reactor subject to this part. When a construction authorization has been issued for such a nuclear reactor following the holding of a public hearing and an application is made for an operating authorization or for an amendment to a construction authorization or operating authorization, the Commission may hold a hearing after at least 30 days' notice and publication once in the FEDERAL REGISTER or, in the absence of a request therefor by any person whose interest may be affected, may issue an operating authorization or an amendment to a construction authorization or operating authorization without a hearing, upon 30 days' notice and publication once in the FEDERAL REGISTER of its intent to do so. If the Commission finds that no significant hazards consideration is presented by an application for an amendment of a contruction authorization or operating authorization, it may dispense with such notice and publication and may issue the amendment.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 20th day of May 1968.

For the Atomic Energy Commission.

F. T. HOBBS,
*Acting Secretary.*

[F.R. Doc. 68-6867; Filed, June 11, 1968; 8:45 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 68-CE-8-AD; Amdt. 39-609]

## PART 39—AIRWORTHINESS DIRECTIVES

### Bellanca Models 14-19-3A and 17-30 Airplanes

An airworthiness directive was adopted on May 29, 1968, and made effective immediately as to all known owners of Bellanca Models 14-19-3A and 17-30 Airplanes. This airworthiness directive was issued because there have been instances in which vibration of the horizontal tail surfaces of these airplanes has occurred at speeds as low as 206 miles per hour, which can result in the loss of control and possible structural damage. In order to prevent this condition, the directive prohibits operation of the subject airplanes in excess of 180 miles per hour (156 knots), and requires the installation of a placard reading "Never exceed speed 180 m.p.h. (156 knots) IAS". Bellanca Service Letter No. 45, dated May 29, 1968, relates to this subject.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to the owners of Bellanca Models 14-19-3A and 17-30 Airplanes by individual airmail letters dated May 29, 1968. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELLANCA. Applies to Models 14–19–3A and 17–30 Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent vibration of horizontal tail surfaces, accomplish the following:

(A) Effective immediately, operation of the airplane in excess of 180 miles per hour (156 knots) is prohibited.

(B) Within 10 hours' time in service after the effective date of this airworthiness directive, install a placard adjacent to the airspeed indicator, in full view of the pilot, with the following wording:

"NEVER EXCEED SPEED 180 M.P.H. (156 KNOTS) IAS".

NOTE: Bellanca Service Letter No. 45, dated May 29, 1968, relates to this subject.

This amendment becomes effective June 14, 1968, for all persons except those to whom it was made effective by airmail letter dated May 29, 1968.

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

Issued in Kansas City, Mo., on June 4, 1968.

EDWARD C. MARSH,
*Director, Central Region.*

[F.R. Doc. 68-6900; Filed, June 11, 1968; 8:47 a.m.]

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[Docket No. 68-SO-39; Amdt. 39-610]

## PART 39—AIRWORTHINESS DIRECTIVES

### Piper Model PA–28R–180 Series Airplanes

There is a possibility that cracks exist in the flange radius of the Gear Retraction Fittings, Part Nos. 67031–00 (L.H.) and 67031–01 (R.H.) caused by over torqueing the AN3–17A Bolt and AN23–17 Clevis Bolt. Since failure of this fitting could cause collapse of the main landing gear, an airworthiness directive is being issued to require replacement of the Gear Retraction Fittings, Part Nos. 67031–00 (L.H.) and 67031–01 (R.H.) with new fittings, Part Nos. 67031–02 (L.H.) and 67031–03 (R.H.) on Piper Model PA–28R–180 Series Airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable 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 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA–28R–180 Series Airplanes, Serial Nos. 28–30004 to 28–30358 inclusive, 28–30361 to 28–30390 inclusive, 28–30392 to 28–30401 inclusive, 28–30403 to 28–30416 inclusive, 28–30418 to 28–30420 inclusive, 28–30423 to 28–30426 inclusive, 28–30428 to 28–30443 inclusive, 28–30445 to 28–30448 inclusive, 28–30451 to 28–30457 inclusive, 28–30459 to 28–30461 inclusive, 28–30462, 28–30464, 28–30466 to 28–30468 inclusive, 28–30470, 28–30472, 28–30473, 28–30477 to 28–30480 inclusive, 28–30483 to 28–30485 inclusive, 28–30489, 28–30492, 28–30493, 28–30496, 28–30497, 28–30500, 28–30502, 28–30504, 28–30521, 28–30523 and 28–30525.

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the gear retraction fittings, which could cause collapse of the main landing gear, accomplish the following:

(a) Place the aircraft on jacks (to preclude the possibility of the main gear collapsing when retraction fittings are removed and replaced).

(b) Remove the existing retraction fittings (Part No. 67031–00 L.H., and Part No. 67031–01 R.H.) and replace with Part No. 67031–02 (L.H.) and Part No. 67031–03 R.H.). Add bushing Part No. 65003–48 to the retraction fittings and torque to 20–25 inch pounds. Also, replace Part No. 400 679 Clevis Bolt (AN23–17) with Part No. 424 181 Clevis Pin (AN393–25), using existing washers. Safety with Part No. 424 051 Cotter Pin (AN380–2–2).

NOTE: Insure that the turnbuckle is not altered from its original position or it will be necessary to rerig the gear down lock system.

(c) Perform retraction test and insure proper operation.

Piper Service Bulletin No. 274, dated June 3, 1968, covers this same subject.

This amendment becomes effective June 14, 1968.

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

Issued in East Point, Ga., on June 5, 1968.

GORDON A. WILLIAMS, JR.,
*Acting Director, Southern Region.*

[F.R. Doc. 68-6901; Filed, June 11, 1968; 8:47 a.m.]

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[Airspace Docket No. 68-EA-21]

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

### Alteration of Control Zone and Transition Area

On page 5220 of the FEDERAL REGISTER for March 30, 1968, the Federal Aviation Administration published proposed regulations which would alter the Albany, N.Y., and Schenectady, N.Y., control zones and Albany, N.Y., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t. July 25, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on May 27, 1968.

WAYNE HENDERSHOT,
*Acting Director, Eastern Region.*

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Albany, N.Y., control zone "and within 2 miles each side of the Albany VOR 094° radial extending from the 5-mile radius zone to 6 miles east of the VOR" and insert in lieu thereof "; within 2 miles each side of the Albany ILS localizer south course extending from the 5-mile radius zone to 5 miles south of the localizer and within 2 miles each side of the Albany VOR 182° radial extending from the 5-mile radius zone to 5.5 miles south of the VOR."

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by inserting in the description of the Schenectady, N.Y., control zone after the words "Schenectady RBN" the coordinates "42°51'15" N., 73°55'45" W.," following the words "7 miles northeast of the RBN;" insert "within 2 miles each side of the Schenectady VOR 030° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR";

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Albany, N.Y., 700-foot floor transition area "the Albany VOR 013°" through the words "VOR; within a 7-mile radius" and substitute in lieu thereof "a 019° bearing from the Runway 19 ILS OM extending from the 9-mile radius area to 12 miles north of the OM; within the arc of a 12-mile radius circle centered on the Albany VOR extending from the Albany VOR 021° radial clockwise to the Albany VOR 274° radial; within a 9-mile radius;" delete the words "from the 7-mile radius area to 12 miles west" and insert in lieu thereof "from the 9-mile radius area to 12 miles west"; delete "from the 7-mile radius area to 9 miles northwest" and insert in lieu thereof "from the 9-mile radius area to 11 miles northwest".

[F.R. Doc. 68-6879; Filed, June 11, 1968; 8:46 a.m.]

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[Airspace Docket No. 68-EA-10]

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

### Alteration of Transition Area

On page 5222 of the FEDERAL REGISTER for March 30, 1968, the Federal Aviation Administration published proposed regulations which would alter the Wrightstown, N.J., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t. July 25, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on May 27, 1968.

WAYNE HENDERSHOT,
*Acting Director, Eastern Region.*

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Wrightstown, New Jersey Transition Area the words "within a 5-mile radius of Colts Neck Airport (latitude 40°16'35" N., longitude 74°10'55" W.); within 2 miles each side of the Colts Neck VOR 004° radial extending from the Colts Neck 5-mile radius area to 8 miles north of the VOR" and insert in lieu thereof "within 2 miles each side of the Colts Neck VOR 167° radial extending from the Monmouth County Airport 5-mile radius area to the VOR"; delete the words "and

within 2 miles each side of the Colts Neck VOR 255° radial extending from the Colts Neck Airport 5-mile radius area to 8 miles west of the VOR," and insert in lieu thereof "within 3 miles north and 5 miles south of the Colts Neck VOR 255° and 075° radials extending from 5 miles east to 10 miles west of the VOR;" delete the words "and within a 4-mile radius" and insert in lieu thereof "within a 5-mile radius"; following the words "Neptune, N.J.," add "and within 2 miles each side of the Colts Neck VOR 151° radial extending from the Asbury Park-Neptune Airport 5-mile radius area to the VOR."

[F.R. Doc. 68-6880; Filed, June 11, 1968; 8:46 a.m.]

[Airspace Docket No. 67-AL-28]

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

### Revocation of Control Area Extension, Alteration of Control Zone, and Designation of Transition Area

On March 30, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5221) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Shemya, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 22, 1968, as hereinafter set forth.

1. In § 71.165 (3 F.R. 2057) the Shemya, Alaska, control area extension is revoked.

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

SHEMYA, ALASKA

Within a 5-mile radius of the Shemya Airport (lat. 52°42'50" N., long. 174°06'57" E.); within 2 miles each side of the 104° bearing from the Shemya RBN, extending from the RBN to 12 miles east of the RBN, and within 2 miles each side of the 284° bearing from the Shemya RBN, extending from the RBN to 8 miles west of the RBN. The portion within R-2204 is excluded.

3. In § 71.181 (33 F.R. 2137) the Shemya, Alaska, transition area is designated to read as follows:

SHEMYA, ALASKA

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Shemya Airport (lat. 52°42'50" N., long. 174°06'57" E.); and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Shemya Airport. The portion within R-2204 is excluded.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on June 6, 1968.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 68-6902; Filed, June 11, 1968; 8:47 a.m.]

[Airspace Docket No. 68-WE-19]

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

### Alteration of Federal Airway

On April 18, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5958) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 137 from Gorman, Calif., to Salinas, Calif.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 22, 1968, as hereinafter set forth.

Section 71.123 (33 F.R. 2009) is amended as follows: In V-137, all after "12 AGL Gorman, Calif.;" is deleted and "12 AGL Avenal, Calif.; 12 AGL Priest, Calif.; 12 AGL Salinas, Calif. The airspace within R-2521 is excluded." is substituted therefor.

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

Issued in Washington, D.C., on June 6, 1968.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 68-6903; Filed, June 11, 1968; 8:47 a.m.]

[Airspace Docket No. 68-AL-5]

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

### Alteration of Transition Area; Correction

On May 30, 1968, F.R. Doc. 68-6449, published in the FEDERAL REGISTER (33 F.R. 7875), stated, in part, that this amendment to Part 71 of the Federal Aviation Regulations would be effective 0901 G.m.t., July 18, 1968.

This effective date does not coincide with the July 25, 1968, chart publication date as was intended. Therefore, action is taken herein to correct this oversight.

Since this amendment is editorial in nature and will impose no undue burden on any person, the Administrator has determined that notice and public procedure thereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, effective immediately, F.R. Doc. 68-6449 (33 F.R. 7875) is amended as follows: "effective 0901 G.m.t., July 18, 1968," is deleted and "effective 0901 G.m.t., July 25, 1968," is substituted therefor.

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

Issued in Washington, D.C., on June 6, 1968.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 68-6904; Filed, June 11, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-11]

## PART 75—ESTABLISHMENT OF JET ROUTES

### Designation and Extension of Jet Routes

On March 30, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 5227) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would designate a jet route from Billings, Mont., to St. Louis, Mo., and extend Jet Route No. 45 from Des Moines, Iowa, to Aberdeen, S. Dak.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., August 22, 1968, as hereinafter set forth.

Section 75.100 (33 F.R. 2349) is amended as follows:

a. In Jet Route No. 45 the caption is amended to read "(Jacksonville, Fla., to Aberdeen, S. Dak.)" and in the text "to Des Moines, Iowa." is deleted and"; Des Moines, Iowa, Sioux Falls, S. Dak.; to Aberdeen, S. Dak." is substituted therefor.

b. Jet Route No. 151 is added:

Jet Route No. 151 (St. Louis, Mo., to Billings, Mont.) From St. Louis, Mo., via Des Moines, Iowa; O'Neill, Nebr.; Rapid City, S. Dak.; to Billings, Mont.

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

Issued in Washington, D.C., on June 6, 1968.

T. MCCORMACK,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[F.R. Doc. 68-6905; Filed, June 11, 1968; 8:47 a.m.]

# Title 18—CONSERVATION OF POWER AND WATER RESOURCES

## Chapter I—Federal Power Commission

[Docket No. R-341; Order 363]

## PART 2—GENERAL POLICY AND INTERPRETATIONS

### Issuance of Certificates of Public Convenience and Necessity to Pipeline Companies in Southern Louisiana Off-Shore Area

JUNE 4, 1968.

In disposing of applications for certificates of public convenience and necessity for the construction and operation of pipeline transmission facilities in the off-shore southern Louisiana area,[1] it will be the general policy of the Commission to require that such applications be filed on or before the first day of the September preceding the proposed construction year so that the Commission can consider them jointly, as well as individually.

We have concluded that in this area a broad analytical approach is needed in order to determine the nature of the certificate to be issued and whether to set the applications for formal hearing or to grant such applications under our statutory hearing procedures. The need for this approach is especially indicated by the fact that this gas-producing province has become one of increasing importance as a present and future source of the Nation's gas supply. Costs, however, are much higher for the installation of off-shore pipeline facilities than for the same facilities on-shore. These circumstances make it especially important that we seek to maximize the utilization of all facilities installed in this area so as to achieve a lessening of overall costs and thereby secure the timely and economic development of the offshore gas reserves with cost-saving benefits to both consumers and the natural gas industry. This objective can be best reached if the Commission considers jointly, on an annual area basis, all applications for pipeline system expansions in the southern Louisiana off-shore area.

To facilitate these objectives and to obviate a multiplicity of requests by the Commission's Secretary for additional information [2] upon the filing of applications in this area, we will require that such information, which we now know will be needed and is more fully described hereinbelow, be filed with the applications on September 1st of each year. Inasmuch as the off-shore applications require significantly more economic and engineering analysis than the usual certificate applications, those applicants who file subsequent to September 1st will incur the risk of not having their requested authorizations issued in time to meet company construction schedules.

The Commission finds:

(1) The statement issued herein concerns a matter of general policy which does not require notice or hearing under section 4(a) of the Administrative Procedure Act.

(2) Early dissemination of the Commission's statement of general policy referred to herein is in the public interest. Good cause therefore exists to bring it to the immediate attention of persons affected thereby.

The Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 56 Stat. 83; 15 U.S.C. 717f, 717o), orders:

(A) Effective upon issuance of this statement, Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.65 to read as follows:

**§ 2.65 Applications for certificates of public convenience and necessity for gas transmission facilities to be installed in the off-shore southern Louisiana area.**

(a) It will be the general policy of the Commission to require that applications for certificates of public convenience and necessity, filed pursuant to section 7(c) of the Natural Gas Act, for the construction and operation of pipeline facilities to be installed in the southern Louisiana offshore area, be filed on or before September 1st of the year immediately preceding the proposed installation. We direct our staff to review these applications on both a joint and individual company basis with a view toward the development of pipeline company gas exchange procedures that will minimize cross-hauls and toward the promotion of joint use arrangements that will assure the early full utilization of large capacity facilities in the Outer-Continental Shelf area. To assist this Commission staff effort, and to aid the Commission's disposition of offshore certificate applications during our formal and statutory hearing procedures, an applicant should include as a part of Exhibit Z to its application, additional information which will:

(1) Detail with appropriate engineering and economic showings the efforts it has made to utilize the existing and proposed offshore facilities owned by other jurisdictional companies to transport Applicant's gas;

(2) Demonstrate that it has consulted with other jurisdictional entities with respect to the possibility of utilizing the proposed facilities to transport gas to onshore installations for such entities;

(3) Utilize 30-inch (or larger if technologically possible) pipe for its offshore main line facilities although upon good cause shown Applicant may demonstrate in the alternative, the feasibility of a smaller proposed line;

(4) Demonstrate that its proposed facilities will be utilized, either by it individually or jointly with other pipeline companies, at a minimum annual load factor of 60 percent of the annual capacity available by the end of a 12-month period following the installation thereof, unless a waiver is issued.

(b) It is the intention of the Commission to enforce the fourth requirement by permitting offshore pipeline facilities, certificated after the date of this order, to be included in Applicant's cost-of-service in future rate proceedings at an average unit cost predicated upon load factors of not less than 60 percent of the annual capacity available.

(B) The Secretary shall cause prompt publications of this statement to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 68-6873; Filed, June 11, 1968; 8:45 a.m.]

[1] See section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).

[2] See our regulations under the Natural Gas Act, § 157.14(c).

# Title 21—FOOD AND DRUGS

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

### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 31—NONALCOHOLIC BEVERAGES

### Soda Water, Identity Standard; Order Deleting Nordihydroguaiaretic Acid From List of Permitted Optional Ingredients

In the matter of amending the definition and standard of identity for soda water (21 CFR 31.1) by removing nordihydroguaiaretic acid from the list of chemical preservatives permitted in that beverage:

No comments were received in response to the notice of proposed rulemaking in the above-identified matter that was published in the FEDERAL REGISTER of April 11, 1968 (33 F.R. 5627) on the initiative of the Commissioner of Food and Drugs. Accordingly, on the basis of relevant information, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 31.1 *Soda water; identity; label statement of optional ingredients* be amended by deleting the words "nordihydroguaiaretic acid" from the list of chemical preservatives in paragraph (b)(10).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW.,

Washington, D.C. 20201, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

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

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

Dated: June 3, 1968.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 68-6915; Filed, June 11, 1968; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM STEAROYL-2-LACTYLATE

No comments were received in response to the notice published in the FEDERAL REGISTER of April 17, 1968 (33 F.R. 5884), proposing that § 121.1047 *Calcium stearyl-2-lactylate* be amended:

1. To expand the description of and change the specifications for the additive; and

2. To change the additive nomenclature to calcium stearoyl-2-lactylate.

In the case of No. 1 above, a petition (FAP 8A2238) was filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111 (notice was given in the FEDERAL REGISTER of Jan. 9, 1968; 33 F.R. 305). The proposal regarding No. 2 above was on the initiative of the Commissioner of Food and Drugs.

Having considered the data submitted in the petition, and other relevant information, the Commissioner concludes that § 121.1047 should be amended as proposed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), (d), 72 Stat. 1786–87; 21 U.S.C. 348 (c)(1), (d)) and under the authority delegated to the Comimssioner (21 CFR 2.120), § 121.1047 is amended by revising the section heading, the introduction to the section, and paragraphs (a) and (b) to read as follows:

**§ 121.1047 Calcium stearoyl-2-lactylate.**

The food additive calcium stearoyl-2-lactylate may be safely used in or on food in accordance with the following prescribed conditions:

(a) The additive, which is a mixture of calcium salts of stearoyl lactylic acids and minor proportions of other calcium salts of related acids, is manufactured by the reaction of stearic acid and lactic acid and conversion to the calcium salts.

(b) The additive meets the following specifications:

Acid number, 50–86.
Calcium content, 4.2–5.2 percent.
Lactic acid content, 32–38 percent.
Ester number, 125–164.

* * * * *

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), (d), 72 Stat. 1786–87; 21 U.S.C. 348 (c)(1), (d))

Dated: June 3, 1968.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 68-6916; Filed, June 11, 1968; 8:48 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

DIOCTYL SODIUM SULFOSUCCINATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8A2261) filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of dioctyl sodium sulfosuccinate as a wetting agent in fumaric acid-acidulated gelatin desserts. 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), § 121.1137(a) is revised to read as follows:

**§ 121.1137 Dioctyl sodium sulfosuccinate.**

* * * * *

(a) As a wetting agent in the following fumaric acid-acidulated foods: Dry gelatin dessert, dry beverage base, and fruit juice drinks, when standards of identity do not preclude such use. The labeling of the dry gelatin dessert and dry beverage base shall bear adequate directions for use, and the additive shall be used in such an amount that the finished gelatin dessert will contain not in excess of 15 parts per million of the additive and the finished beverage or fruit juice drink will contain not in excess of 10 parts per million of the additive.

* * * * *

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: June 3, 1968.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 68-6917; Filed, June 11, 1968; 8:48 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of Transportation

### SUBCHAPTER I—ANCHORAGES

[CGFR 68-5]

## PART 110—ANCHORAGE REGULATIONS

### Subpart B—Anchorage Grounds

NARRAGANSETT BAY, R.I.

1. The Commandant, First Naval District, by letter dated January 31, 1967, requested changes in the anchorages in Narragansett Bay, R.I. A public notice dated February 13, 1967 was issued by the Chief, Operations Division, U.S. Army Engineer Division, New England Corps of Engineers describing the proposed changes. All known interested parties were notified and requested to comment on the proposal. The proposed changes are considered necessary due to a reduction in the size

of previous anchorages caused by construction of the Newport Bay Bridge. These changes will not adversely affect general navigation.

2. The purpose of this document is to modify existing descriptions of anchorage A, Narragansett Bay, R.I.; to establish a new anchorage B–1, as described in § 110.145(a)(2–a) below, and to redesignate § 110.145(a)(2–a) *Anchorage X–1, Naval explosives and ammunition handling anchorage.*, as § 110.145(a)(2–b).

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), § 110.145(a) is amended by changing subparagraph (1) (including subdivisions (i) and (ii) to read as set forth below, redesignate subparagraph (2–a) as (2–b), and by inserting a new subparagraph (2–a) to read as set forth below, and they shall become effective on and after 30 days after publication of this document in the FEDERAL REGISTER.

**§ 110.145 Narragansett Bay, R.I.**

(a) *East Passage*—(1) *Anchorage A.* East of Conanicut Island, beginning at the easterly extremity of the Dumplings; extending 9° to a point at latitude 41°29'28", longitude 71°21'05.5"; thence 356° for 5,350 feet; thence 24° for 5,700 feet; thence 12° for 1,100 feet; thence 311°30' for 2,300 feet; thence 351° for 5,350 feet; thence 270° for 3,200 feet to the easterly side of Conanicut Island; thence generally along the easterly side of the island to a point on the easterly side of the island due west of the Dumplings; and thence due east to the point of beginning; excluding the approach of the Jamestown Ferry, a zone 900 feet wide to the southward of a line ranging 103° from a point, 300 feet north of the existing ferry landing toward the spire of Trinity Church, Newport.

(i) That portion of the area to the northward of the approach of the Jamestown Ferry shall be restricted for the anchorage of vessels of the U.S. Navy. In that portion of the area to the southward of the approach of the Jamestown Ferry, the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for marking anchors or moorings in place shall be allowed in this area. Fixed mooring piles or stakes will not be allowed.

* * * * *

(2–a) *Anchorage B–1.* Off the southerly end of Prudence Island beginning at a point at latitude 41°34'08.9", longitude 71°19'25.8"; thence 19° for 1,900 feet; thence 289° for 1,900 feet; thence 199° for 1,900 feet; thence 109° for 1,900 feet to the point of beginning.

(i) In this area the requirements of the Navy shall predominate.

(ii) Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes will not be allowed.

(2–b) *Anchorage X–1, Naval explosives and ammunition handling anchorage.* * * *

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: June 5, 1968.

W. J. SMITH,
*Admiral, U.S. Coast Guard,*
*Commandant.*

[F.R. Doc. 68–6877; Filed, June 11, 1968; 8:46 a.m.]

[CGFR 68–6]

## PART 110—ANCHORAGE REGULATIONS

### Subpart B—Anchorage Grounds

UPPER BAY, NEW YORK HARBOR

1. The District Engineer, New York District, U.S. Army Corps of Engineers proposed a redesignation of the boundaries of Anchorage No. 21 in Upper Bay, New York Harbor, N.Y. A public notice dated June 2, 1965, was issued by the District Engineer, New York District, U.S. Army Corps of Engineers describing the proposed changes. All known interested parties were notified and requested to comment and no objection has been received. The changes are considered necessary because the northern end of the anchorage has been incorporated in the widening of the entrance to Buttermilk Channel and can no longer be used for anchoring vessels. In addition, a redesignation of the boundaries of anchorages presently designated for use by barges and steamers (deep draft vessels) is necessary in order to conform with the federal project for improvement of the New York Harbor Anchorages. The deep draft anchorage is increased in size and the barge anchorage decreased to reflect the increased use of present anchorages by deep draft vessels and their decreased use by barges.

2. The purpose of this document is to modify existing descriptions of Anchorage No. 21, Upper Bay, New York Harbor to exclude the portion no longer usable as an anchorage due to the widening of the entrance of Buttermilk Channel and to redefine the limits of the deep draft and barge anchorages to correspond with the Federal project for the improvement of New York Harbor.

3. By virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and the delegation in 49 CFR 1.4(a)(3) of the Secretary of Transportation under 49 U.S.C. 1655(g)(1), the text of 33 CFR 110.155(d)(5) is amended to read as follows and shall become effective on and after 30 days after publication of this document in the FEDERAL REGISTER:

**§ 110.155 Port of New York.**

* * * * *

(d) *Upper Bay.** * *

(5) *Anchorage No. 21.* An area located at the junction of Bay Ridge and Anchorage Channels, beginning at a point at latitude 40°38'11", longitude 74°02'45.5"; thence to latitude 40°38'12", longitude 74°03'05"; thence to latitude 40°38'57", longitude 74°03'10"; thence to latitude 40°40'22.5", longitude 74°02'14.5"; thence to latitude 40°40'25", longitude 74°01'50"; thence to latitude 40°40'-19.5", longitude 74°01'28"; thence to latitude 40°39'49", longitude 74°01'23"; thence to latitude 40°38'42", longitude 74°02'32.5"; and thence to point of beginning. A fairway 600 feet wide crossing the anchorage marked by buoys at each entrance shall be excluded therefrom. Its northerly side connects a point at latitude 40°39'35", longitude 74°02'46" to a point at latitude 40°39'00", longitude 74°02'13.5". Anchorage No. 21 is divided into Anchorages Nos. 21–A and 21–B.

(i) *Anchorage No. 21–A (for barges).* That portion of Anchorage No. 21 north of the fairway and east of a line connecting a point at latitude 40°39'09", longitude 74°02'22" and a point at latitude 40°41'21", longitude 74°01'34".

(ii) *Anchorage No. 21–B (for deep-draft vessels).* That portion of Anchorage No. 21 south of the fairway, and that portion of Anchorage No. 21 north of the fairway and west of a line connecting a point at latitude 40°39'09", longitude 74°02'22" and a point at latitude 40°-40'21", longitude 74°01'34".

(iii) *Use of Anchorages Nos. 21–A and 21–B.* Vessels of the various types required to use Anchorages Nos. 21–A and 21–B may be anchored in areas other than those set aside for them for a limited time after first obtaining a permit from the Captain of the Port, when and to the extent that they are not needed for vessels of the types assigned to them. No vessel shall occupy these anchorages for a period longer than 30 days, unless a permit is obtained from the Captain of the Port for that purpose.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1), 80 Stat. 940; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1); 49 CFR 1.4(a)(3))

Dated: June 5, 1968.

W. J. SMITH,
*Admiral, U.S. Coast Guard,*
*Commandant.*

[F.R. Doc. 68–6878; Filed, June 11, 1968; 8:46 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 17792; FCC 68–588]

## PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

### Annual Reports Regarding Schedules

*Report and order.* In the matter of amendment of annual reports Form M for telephone companies, Form O for wire-telegraph and ocean-cable carriers, Form R for radiotelegraph carriers, and

FCC Form L, annual report of licensee in domestic public land mobile radio service, to add new schedules and amend certain existing schedules commencing with the annual reports for 1968; Docket No. 17792.

1. On October 4, 1967, the Commission adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on October 12, 1967 (32 F.R. 14158), in accordance with section 4(a) of the Administrative Procedure Act. This notice presented for comment on or before November 13, 1967 (with allowance for reply comments on or before Nov. 27, 1967), a proposal to amend Annual Report Forms M, O, R, and L.

2. Timely comments were filed by the American Telephone and Telegraph Co. (AT&T), GT&E Service Corp. (GT&E), and Missouri Public Service Commission (Missouri Commission) regarding the proposed amendments to Form M; by RCA Communications, Inc. (RCAC), and The Western Union Telegraph Co. (WU) regarding the proposed amendments to Forms O and R; and by Jeremiah Courtney and Arthur Blooston on behalf of a number of independent telephone companies regarding the proposed amendments to Form L. The comments of the Missouri Commission also applied to Form L. Reply comments were filed by AT&T after the closing date for reply comments.

3. The Missouri Commission filed comments in favor of the proposed changes in Forms M and L. The Missouri Commission stated that they felt that the proposed changes, as recommended in the notice, would be quite beneficial in facilitating the analyses of the various companies' annual reports and would supply them with information which normally they must write and request from the various companies under their jurisdiction.

4. GT&E suggested that in the proposed new general instruction providing for optional rounding off of dollars the words "be rounded off to even dollars" be changed to "be rounded off to whole dollars." GT&E's suggested language is being adopted.

5. The notice of proposed rule making provides that there be reported in Schedule 44, Delayed Items, of Annual Report Form M each delayed item included in the same operating revenue, operating expense or income account that would have been charged or credited if the item had not been delayed that amounted to one-half of 1 percent of the total operating revenues for the preceding year or to $100,000 or more, whichever is smaller. GT&E pointed out that an item as small as $5,000 would have to be reported by a company having annual operating revenues of $1 million which is the smallest sized company required to file Annual Report Form M. GT&E stated that it is doubtful that such amounts tend to seriously distort revenues or expenses for the current year or that the frequency of such occurrences would provide data to the Commission commensurate with the accounting costs to operating telephone companies. WU recommended that with respect to Schedule 374, the corresponding schedule in Forms O and R, the minimum be raised to one-half of 1 percent of revenues or to $500,000 or more, whichever is smaller. In its reply comments AT&T endorsed the $500,000 minimum recommendation of WU for incorporation in Schedule 44 of Annual Report Form M. As was pointed out in paragraph 4 of the notice of proposed rule making, the items to be reported in the proposed schedule would not, when considered separately, be included in the regular revenue, expense or income accounts if they were considered large enough to distort the accounts. We do not have data as to the actual frequency of their occurrence. However, it is believed that the number of such items might vary considerably from year to year and as among reporting companies. The Commission believes that an amount of $500,000 would be too high a minimum to place on these delayed items to be reported. However, after further consideration of this matter, the Commission believes that the percentage of revenues proposed should be raised and, accordingly, the provisions for Schedules 44 of Form M and 374 of Forms O and R regarding the amount of such delayed items to be reported therein are being changed from "one-half of one percent of the total operating revenues for the preceding year or to $100,000 or more, whichever is smaller" to "one percent of the total operating revenues for the preceding year or to $100,000 or more, whichever is smaller."

6. With respect to Schedule 51, Statistics Relating to Central Offices, in Form M, AT&T suggested that, in addition to changing the caption over columns (b), (c) and (d) from "Magneto Manual" to "Electronic", the caption over columns (e), (f) and (g) be changed from "Common Battery Manual" to "Manual." This would allow the few magneto offices still in existence to be reported with the common battery offices in those columns. The notice proposed that the few magneto offices be reported under "Other (specified)." The Commission believes that AT&T's suggestion would provide for better reporting since there are also relatively few common battery offices still in existence and is therefore adopting the suggestion.

7. With respect to schedule 57A, Overseas Telephone and Related Services, AT&T commented that, starting in 1968, a number of major European countries will start reporting in their settlement statements the "number of chargeable minutes of use" rather than the "number of chargeable messages." AT&T suggested that we therefore substitute "Chargeable minutes of use" as the caption of column (b). Under the provisions of the Report of the Third Plenary Assembly of the International Telegraph and Telephone Consultative Committee, 1964, all countries have the option of furnishing to other participating carriers chargeable minutes of use in lieu of the number of messages. However, after informal discussions between representatives of AT&T and the Commission's staff, AT&T stated in a letter dated March 1, 1968, that it could furnish the actual number of messages for traffic originating in the United States and a combination of actual and estimated number of messages for traffic terminating in the United States but that it would be impractical to furnish the number of messages, either on an actual or estimated basis, for traffic transiting the United States. AT&T indicated that it could furnish, if the Commission so desires, total transiting revenue and suggested showing such revenue on a single line. AT&T sent copies of this letter to the other carriers required to complete Schedule 57A and no objections to this manner of reporting have been received. It has therefore been decided that with respect to all traffic other than transiting the data shall be required as proposed in the notice of proposed rule making. With respect to transiting message traffic, only revenue should be reported and it should be shown on a single line without regard to the areas in which it originates or terminates. AT&T further pointed out that circuits rented to other carriers are not furnished under tariffs and the revenues therefrom are included in account 524, "Operating rents." AT&T therefore concludes that the service is not a private line service. Furthermore, AT&T stated that circuits furnished to other carriers are all capable of voice transmission but can be split by the other carrier into circuits of lesser width for nonvoice transmission without AT&T knowing what use is made of the circuit. AT&T therefore suggested that the breakdown between "Voice" and "Non-Voice" circuits be eliminated. AT&T also suggested that since the instruction for section II calls for reporting the commencement and discontinuance of direct service to overseas points, the word "circuits" in the caption of that section should be changed to "service" so that the caption would read "Direct Service Added or Discontinued during the Year." In view of the foregoing, the appropriate lines of the schedule, together with the related instructions, have been revised as indicated in the attached appendix.[1]

8. Regarding the proposal to print Form M on both sides of the pages, GT&E stated that it believed that it would be desirable to continue to produce copies of blank forms for use in preparing work copies with printing confined to one side of the page but suggested that multicopies made by the companies could be printed on both sides of the page. The Commission is adopting this suggestion and will have the report forms printed on one side of the page. Those companies that make multicopies are requested to print the copies submitted to the Commission on both sides of the page.

9. WU states that the new schedule entitled Schedule 135, Allowance for Uncollectible Receivables (account 1765), in Forms O and R provides for the reporting on line 10 of operating revenues for the year (account 3000) distributed between customers and agents (column

Footnote at end of docket.

(b)) and others (column (c)) and that it is impracticable to associate revenues in account 3000 with uncollectibles associated with "Others" because these arise from money order overpayments and frauds burglary and hold-up losses, etc. WU suggested a schedule on which columns (b) and (c) are blocked out below line 9 and only the total, column (d), is to be filled in on lines 10 through 13. WU also stated that the revenue from the sale of "Dolls" associated with its DollyGram service, is accounted for in account 5115, "Income from merchandising, jobbing, and contracting," and should be reflected along with the operating revenues (account 3000) on line 10 of the proposed schedule. In paragraph II, 3.b. of the Appendix to the notice of proposed rule making it was indicated that columns (c) and (d) of the schedule end with line 9. Since it was not intended that line 10 through 13 would be applicable to columns (c) and (d), none of WU's comments are applicable so the schedule is being adopted exactly as proposed.

10. WU, in its comments with respect to Schedule 309, Nontransmission Revenue, pointed out that, since the instruction provides for the reporting of data relating to each service the revenue for which was included in any of the nontransmission revenue accounts, it would appear that present Schedule 308, Leased Plant Revenue, would be redundant and perhaps should be deleted and stated further that should the Commission feel that it is desirable to continue to report rents received or receivable from affiliates, this could probably be presented in a footnote. Upon further consideration of this matter, the Commission has decided that the duplication of reporting leased plant revenues in both Schedule 308 and proposed Schedule 309 is not necessary and also that it is not necessary to include information regarding account 34.3805 in both proposed Schedule 309 and Schedule 307, Radiotelegraph Revenue from Furnishing and Servicing Stations. Accordingly, the currently effective title of Schedule 309 reading "Other Nontransmission Revenue" is being retained and the information regarding accounts 34.3805, 34.3810, 34.3820, 35.3410, 35.3415, 35.3420, 35.3810, and 35.3820 is being deleted and the schedule is being limited to the other nontransmission revenue accounts, namely, 34.3825, 34.3899, 35.3425 through 35.3499, 35.3835, and 35.3899. However, Schedule 308 is being amended to require the revenue reported therein to be separated between that covered by tariffs and that not covered by tariffs. RCAC stated that it would be helpful if the instructions for Schedule 309 would indicate whether or not the tariffs referred to are limited to FCC tariffs. In order to clarify the intent of this schedule in this respect an additional instruction is being added to this schedule reading as follows:

Overseas carriers shall report in column (c) all revenues which resulted from services offered under tariffs filed with the Commission and tariffs or their equivalent published outside the United States by the reporting carrier or by connecting carriers or administrations.

11. Regarding proposed Schedule 361, Income from Miscellaneous Physical Property and Income from Merchandising, Jobbing, and Contracting (Accounts 5110 and 5115), RCAC stated that the proposed schedule calls for a breakdown of "all amounts" as to gross income and expenses, that in some cases the items may involve competitive information not required of nonregulated competing companies, that it would be unfair to require public disclosure in one case and not in the other and that regulated carriers should be allowed to group information in an appropriate way to meet this risk. The Commission believes that the data called for in the proposed schedule is essential to the proper execution of the Commission's functions. However, as with respect to any form or rule of the Commission, any carrier may file an application for waiver of the reporting requirements with respect to this schedule if it feels that filing the information in a public report is detrimental to its interests. RCAC also stated that it would be helpful if it were made clear whether "Net income" as used as the caption of column (f) of this schedule is equated to "Income" as used in the related account titles. The amount called for in column (f) is the net amount remaining in the account after deduction of related expenses actually charged to the account with respect to each type of service or property reported in each of the accounts specified. However, such net amount has not been reduced by related taxes which are includible in account 5250, "Miscellaneous taxes." We are therefore revising the column headings of column (b) to read "Amounts received" and column (f) to read "Income before taxes." In its comments on this schedule, WU stated that with respect to data to be reported under account 5110, "Income from miscellaneous physical property," reference is made to its request to waive the reporting requirements of the FCC rules under account 35.5110. In that letter WU stated that because the present level of its noncommunication activities is not significant in relation to the overall business, it would be costly, burdensome, time consuming and would serve no useful purpose to develop and record in account 5110 items other than revenues and depreciation for services from the operation of property the investment in which is included in account 1610, "Miscellaneous physical property." Therefore, WU requested that information regarding account 5110 be deleted from this schedule. WU's request for waiver of the requirements of § 35.5110 with respect to its accounting records was denied by the Commission's letter of December 12, 1967. Since WU is being required to maintain the data necessary to complete Schedule 361, we see no reason to amend the schedule as requested. WU also states with respect to the related investment in account 1610, "Miscellaneous physical property," account 1795, "Material and supplies," or other account in connection with miscellaneous physical property and with merchandising, jobbing, and contracting, that, other than "Dolls," the investment for which is included in account 1795, there is no material associated with any of its merchandising, jobbing, and contracting services segregated in the accounts. WU requests that the requirement for reporting the related investment in account 1795 or other account be deleted. This requirement is not being deleted. Section 35.1795(f) of the Commission's rules requires that account 1795 be subdivided and one of the prescribed subdivisions is 1795:03, Merchandise known to be held predominantly for sale or resale, or for use in jobbing and contracting operations. The net income included in account 5115, "Income from merchandising, jobbing, and contracting," reported by WU in 1966 was fairly substantial and the Commission feels that materials and supplies used in rendering such services segregated in account 1795:03 should be reported. The schedule is therefore being retained exactly as proposed in the notice of proposed rule making, except the change in captions of columns (b) and (f).

12. Regarding Schedule 408B in Form O, WU stated that it concurs in the proposed amendment in hourly wage intervals. However, concerning the proposal to delete from Schedule 408B the provision for reporting employees outside the United States, WU suggested that this column be retained since the company now has approximately 75 employees outside the United States and this fact will be reflected in the 1967 report. Accordingly, the column for reporting employees outside the United States is being retained in Schedule 408B.

13. WU suggested that consideration be given to amending the general instructions to provide that the annual report shall be filed with the Commission not later than April 30 of the year following that for which the report is made. This suggestion is not being adopted by the Commission since section 219(b) of the Communications Act of 1934, as amended, provides that annual reports shall be filed with the Commission within 3 months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission.

14. All other schedules in Forms M, O, and R proposed to be revised are being amended exactly as proposed in the notice of proposed rule making.

15. Jeremiah Courtney and Arthur Blooston filed comments regarding the proposed amendment of instruction 1 of Form L. This instruction permits those companies furnishing public landline message telephone service as well as mobile service who are required to file Form L, to omit the message and revenue data called for in section III. The comments urge the Commission to adopt this change. However, they state that landline telephone companies, while no longer required to supply the revenue data required by section III, would still be required to furnish the revenues from domestic public land mobile radio service in item 34 of section V of the report. This revenue figure is the same as the total revenue figure called for in item 19 of

section III and the elimination of section III reporting requirements would seem to necessitate a review of the need for other data called for in section V. Upon further consideration of this matter, the Commission believes that Form L should be amended to provide that, in addition to the changes proposed in the notice, companies furnishing public landline message telephone service in addition to mobile service who are required to file Form L may, in lieu of completing the condensed balance sheet and income statements called for in sections IV and V, attach copies of their balance sheet and income statements prepared for other purposes.

*It is ordered,* That, under authority contained in sections 4(i), 219(a), 303(j), 303(r), and 308(b) of the Communications Act of 1934, as amended, Annual Report Form M for Telephone Companies, Annual Report Form O for Wire-Telegraph and Ocean-Cable Carriers, Annual Report Form R for Radiotelegraph Carriers, and FCC Form L, Annual Report of Licensee in Domestic Public Land Mobile Radio Service, are amended as set forth in the appendix attached hereto,[1] effective with the reports for the calendar year 1968.

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

(Secs. 4, 219, 303, 308, 48 Stat., as amended 1066, 1077, 1082, 1084; 47 U.S.C. 154, 219, 303, 308)

Adopted: June 5, 1968.

Released: June 7, 1968.

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

[F.R. Doc. 68-6906; Filed, June 11, 1968; 8:47 a.m.]

[Docket No. 18022; FCC 68-594]

## PART 73—RADIO BROADCAST SERVICES

### Television Table of Assignments; Jacksonville, N.C.

*Report and order.* In the matter of amendment of § 73.606(b) of the Commission rules and regulations, Television Table of Assignments (Jacksonville, N.C.), Docket No. 18022, RM-1207.

1. The Commission here considers the rule making to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) to assign Channel 19 to Jacksonville, N.C. The petitioner, L & S Broadcasting Co., was the only party filing comments in the proceeding.

2. Jacksonville, with a population of 13,491 (1960 Census) is the county seat of Onslow County with a population of 82,706. The population of Jacksonville increased 240.7 percent between 1950 and 1960,[1] and it is contended that this growth continues. The Chamber of Commerce estimates the present population as 19,000. Petitioner also states that Jacksonville is to be the site of a large medical center for mentally retarded children, and that a 5-year $56 million construction program has been authorized for Camp Lejeune,[2] which has an average of 40,000 troops and 19,000 dependents of which 15,000 of the latter live in Jacksonville and Onslow County. L & S Broadcasting Co. reaffirms its intention to apply for and construct a station, if Channel 19 is assigned to Jacksonville.

3. Television service is provided by the following stations in North Carolina: WNBE, Channel 12, New Bern (33 miles to the northeast); WWAY, Channel 3, and WBCT, Channel 6, Wilmington (48 miles to the southwest); WNCT, Channel 9, Greenville (60 miles to the north); and WITN, Channel 7, Washington (60 miles to the north northeast). Jacksonville TV Cable Co., carries all these stations and WRAL-TV, Channel 5, Raleigh, and WTVD, Channel 11, Durham. Other broadcast service in Jacksonville consists of two FM stations, and two AM stations (one daytime); an application for another daytime AM station is in hearing (Docket 16465). There is one daily newspaper, The Daily News.

4. Our notice pointed out that the assignment of Channel 19 to Jacksonville, N.C., is the most efficient one under existing overall UHF criteria. The area is one where there are sufficient assignments to meet foreseeable needs, and this assignment is not likely to deprive any community of a needed assignment. From the public interest viewpoint, assignment of the channel would make possible the construction of a television broadcast station to meet the local needs of Jacksonville. Jacksonville is not currently included in the table of assignments because of its size, but a channel may be assigned, when, as here, a party is prepared to promptly proceed with construction and operation of a station. In the circumstances, the assignment of Channel 19 to Jacksonville, N.C., would serve the public interest, convenience, and necessity.

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

6. *It is ordered,* That § 73.606(b) of the Commission's rules and regulations, Television Table of Assignments, is amended, effective July 16, 1968, to include:

| City | Channel No. |
|---|---|
| Jacksonville, N.C. | 19 |

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

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

Adopted: June 5, 1968.

Released: June 7, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 68-6907; Filed, June 11, 1968; 8:47 a.m.]

[Docket No. 14028; FCC 68-600]

## PART 89—PUBLIC SAFETY RADIO SERVICES

### Use of Mobile Units in Police Radio Service

*Report and order.* In the matter of amendment of police radio service rules in Part 89 to permit mobile units to be used for the automatic relay of communications from subminiature mobile equipment to base stations, Docket No. 14028, RM-157.

1. On April 5, 1961, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 7, 1961, and published in the FEDERAL REGISTER on April 12, 1961 (26 F.R. 3115). In that notice it was proposed to amend § 89.307 of the rules to permit the operation of police mobile units as automatic relays for communications from hand-carried portable transceivers to associated base stations.

2. The rule changes proposed in this proceeding stem from a petition and supplement thereto filed by the Associated Police Communications Officers, Inc., hereinafter referred to as APCO.

3. In the notice of proposed rule making, the Commission agreed that the safety of a police officer could be increased substantially were he able to communicate with the base station when he was required to leave his vehicle and proceed on foot in the performance of his duties. The Commission did not agree, however, that communication from the base station to the portable transceiver by means of an additional base station frequency was essential, in view of the fact that an additional frequency would be required at the base station and that the possibility of interference to other users would be increased materially, particularly in the already overcrowded metropolitan areas.

4. Comments were received from the city of San Diego, Calif., Motorola, Inc., Associated Police Communications Officers, Inc., and the General Electric Co., all supporting the proposal in general, some suggesting various means of achieving the result desired in the APCO petition.

5. The city of San Diego supported the notice of proposed rule making without change; that is, automatic relay by a mobile unit of communications from portable transceivers to base stations

[1] Appendix filed as part of the original document.

[2] Commissioner Bartley absent; Commissioner Loevinger not participating.

[1] The statewide increase was 12.2 percent.

[2] The U.S. Marine Corps Advanced Infantry School which is located nearby.

[3] Commissioner Bartley absent.

only. Motorola, Inc., described a system wherein two-way communications was possible by use of one additional frequency. This involved an additional frequency for the base station transmitter and the transmitter of the portable unit. Direct communication from the base station to the portable unit would be possible and two or more portable units could intercommunicate directly when in range of each other. The additional base station frequency would require a transmitter of fairly high power to permit communication with portable units since the antenna systems of such devices are restricted and efficiency is low. The APCO comments included four different means of accomplishing the same result, one requiring a total of two frequencies, two requiring three frequencies, and one requiring four frequencies. The number of frequencies necessary would depend upon the type of existing operation into which the subminiature system is introduced. Both the APCO and Motorola proposals contemplate direct communications from the the base to the subminiature unit without relay by means of one or more additional frequencies. In the General Electric Co. comments, however, it was pointed out that direct communication from the base to the hand-carried unit would not always be possible; e.g., if the base station happened to be located on one side of a large metropolitan area and the police officer were in the basement of a building on the other side of that area. The General Electric Co. comments suggested that one additional frequency be used for both transmit and receive in the portable unit and that the transmitter be limited to a maximum power of 3 watts; that a second receiver in the mobile unit actuate the mobile-to-base transmitter; and that a low-power transmitter in the mobile unit be actuated by the base-to-mobile receiver. This would permit the mobile unit to act as a relay in both directions between the portable unit and the base station, as well as portable to portable communications. A low-frequency cutoff of 150 Mc/s was recommended.

6. The Commission believes that the objectives of the proposal have merit. Accordingly, the rules here adopted will permit the use of a mobile unit as a repeater to achieve extended communications between low-power hand-held transceivers and the base station. Such transceivers may also, of course, communicate among themselves. We are still of the opinion, however, that any additional frequencies required for either the hand-held transceivers or the mobile unit in this type of operation must be limited to a maximum power output of 2.5 watts. We feel that such operation will not substantially increase congestion on the police radio frequencies. The 150 Mc/s cut off would deny this type of operation to police systems using frequencies below 50 Mc/s. Since such use would not appreciably increase the interference problems in this region, the cut off is established at 37 Mc/s, instead of 150 Mc/s.

7. This action should promote wider use of portable radio units by policemen, which was recommended by the President's Commission on Law Enforcement and Administration of Justice. That Commission in its report to the President stated:

> A second urgent communication need is cigarette-pack sized, transmitting-and-receiving radio equipment that foot patrolmen and investigators can carry easily, and that motorized patrolmen can make use of when they leave their cars.

See: The Challenge of Crime in a Free Society, page 116.

8. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules to permit mobile units of a police radio system, operating on frequencies above 37 Mc/s to be used as a repeater station subject to the condition that harmful interference is not caused to normal base-mobile operations of other licensees. Further, the Commission concludes that the input power of the portable transceiver shall not exceed three watts.

9. *Accordingly, it is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 89 of the Commission's rules is amended, effective July 16, 1968, as set forth below.

10. *It is further ordered,* That the proceedings in Docket 14028 are hereby terminated.

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

Adopted: June 5, 1968.

Released: June 7, 1968.

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

Part 89 of the Commission's rules is amended as follows:

Add a new paragraph (f) in § 89.307 to read as follows:

**§ 89.307 Station limitations.**

* * * * *

(f) Mobile stations utilizing mobile service frequencies above 37 Mc/s may be used for the purpose of providing extended talk back range for low-power hand-carried transmitters.

(1) Hand-carried transmitters to be automatically relayed by mobile stations may be assigned a separate frequency for this use limited to a maximum power output of 2.5 watts.

(2) Each mobile station when used for the purpose of automatically retransmitting messages originated by or destined for hand-carried units shall be so designed and installed that it will be activated only by means of a continuous tone device, the absence of which will deactivate the mobile transmitter. The continuous tone device is not required when the mobile station is equipped with a switch that must be activated to change the mobile unit to the automatic mode and an automatic time delay device to deactivate the transmitter after any uninterrupted period of transmission in excess of three minutes.

(3) Mobile stations may also be used to provide extended base station talk out range to pocket or miniature receivers, however, any additional frequencies required for this purpose may not be used with power in excess of 2.5 watts.

[F.R. Doc. 68-6908; Filed, June 11, 1968; 8:47 a.m.]

[1] Commissioner Bartley absent.

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Mines

### [ 30 CFR Part 2 ]

### HELIUM

### Purchase by Federal Agencies and Their Contractors; Extension of Time for Comments

A notice of proposed rule making issued at 33 F.R. 5219 and proposing regulations for the Purchase of Helium by Federal Agencies and Their Contractors (30 CFR Part 2) contained a closing date for public comments on the proposed rules of April 30, 1968. The closing date was extended to May 31, 1968, by notice issued at 33 F.R. 6828. The period of time for comments, suggestions, or objections with respect to the proposed rules is hereby further extended to July 1, 1968.

EARL T. HAYES,
*Acting Director, Bureau of Mines.*

[F.R. Doc. 68-6870; Filed, June 11, 1968; 8:45 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

### [ 7 CFR Parts 1006, 1012, 1013 ]

[Docket Nos. AO-356-A4, AO-347-A8, AO-286-A16]

### MILK IN UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

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

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

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

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Orlando, Fla., on April 9 and 10, 1968, pursuant to notice thereof which was issued March 21, 1968 (33 F.R. 4995).

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

1. Class I prices; and
2. Revision of classification provisions.

This decision deals with issue No. 1 only. Issue No. 2 will be dealt with in a later decision.

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

1. *Class I prices.* Class I prices in the Florida orders should be adjusted to reflect the increase in the minimum basic formula price recently incorporated in other orders. Accordingly, the Southeastern Florida, Tampa Bay, and Upper Florida Class I prices should be computed by adding $3.10, $2.90, and $2.80, respectively, to the basic formula price (Minnesota-Wisconsin manufacturing milk price series) for the preceding month. For the purpose of computing these Class I prices through April 1969, the basic formula price should be not less than $4.33.

As proposed herein, the average Class I prices through April 1969 would be higher than a year earlier by 32 cents in Upper Florida and 30 cents in Tampa Bay and Southeastern Florida. The $2.80 Class I differential in the Upper Florida order is unchanged. The Class I differentials of $3.10 and $2.90 in Southeastern Florida and Tampa Bay are 10 cents less than at present. This has been the average minus supply-demand adjustment in the two orders, which adjustments are discontinued by this decision.

The Class I pricing provisions of the three Florida orders will expire June 30, 1968. This is the end of the 18-month period for which the Upper Florida Class I price was initially provided when the order was promulgated. This expiration date was set also for the Southeastern Florida and Tampa Bay orders when their Class I price provisions were amended effective August 1, 1967. In the decision resulting in the August 1967 amendments, it was contemplated that a joint hearing would be held on the three orders to provide coordinated Class I prices to be effective after June 30, 1968.

The Class I prices under the three orders are now determined by adding a stated differential to the basic formula price in the same manner as is provided by this decision. Under the Upper Florida order, the Class I price from the beginning of the order in January 1967 through June 1968 has been the basic formula price (Minnesota-Wisconsin price) for the preceding month plus $2.80. The present Class I pricing under the Southeastern Florida and Tampa Bay orders, which became effective in August 1967, provides for Class I differentials of $3.20 and $3, respectively. In addition, the Class I prices under these two latter orders have been subject to a supply-demand adjustment based on a relationship of producer milk supplies to Class I sales under the three Florida orders. For the months of August 1967 through April 1968, the supply-demand adjustments had the effect of adjusting downward the Class I price of these orders an average of 10.5 cents.

For the 12 months through April 1968, the Class I prices under the Southeastern Florida, Tampa Bay, and Upper Florida orders averaged $7.13, $6.93, and $6.81, respectively. With the minimum basic formula price of $4.33 provided by this decision through April 1969, the Class I prices through April 1969 will average not less than $7.43 for Southeastern Florida, $7.23 for Tampa Bay, and $7.13 for Upper Florida.

The principal cooperatives, which represent more than 75 percent of the producers in these order markets, proposed a Class I price computed by adding a Class I differential to the basic formula price (Minnesota-Wisconsin manufacturing milk price series) for the preceding month. Likewise, all producer associations proposed that the basic formula price be not less than $4.33.

Southeastern Florida producers proposed that the $3.20 Class I differential and the supply-demand adjustment provisions now contained in their order be retained. In addition, they proposed that the Southeastern Florida Class I price be not more than 20 cents above the Tampa Bay Class I price and the Upper Florida Class I price applicable in "Central Florida" (Orlando area). The Upper Florida Class I price at plants in the southern portion of its marketing area (south of Dixie, Gilchrist, Alachua, Putnam, or St. Johns Counties) is 10 cents over the Upper Florida Class I price applicable in the northern portion of that marketing area.

Tampa Bay producers proposed a Class I differential of $3.05. They also proposed that the present supply-demand adjustment provisions of the order be discontinued.

Upper Florida producers proposed a Class I differential of $2.95. They opposed the inclusion of supply-demand adjustment provisions in the order.

In connection with their proposal to include in Class I the present Class I and Class II utilizations and some presently

designated Class III utilizations, producers proposed that the Class I differentials be reduced about 15 cents. This would result in the same total payments by handlers and in the same aggregate payments received by producers for all milk under the orders' present classification provisions. Since the proposal to revise the classification provisions (Issue No. 2) will be dealt with in a later decision, any Class I price adjustments incidental thereto would be considered in that decision.

Handlers proposed that stated Class I prices of $7.25 for Southeastern Florida, $7.10 for Tampa Bay and $7 for Upper Florida be provided for one year. They also proposed for each order the supply-demand adjustment provisions now contained in the Southeastern Florida and Tampa Bay orders. If a decision resulted in no supply-demand provisions, the handlers proposed that the stated Class I prices be 10 cents less—$7.15 for Southeastern Florida, $7 for Tampa Bay and $6.90 for Upper Florida.

The percentage of producer milk utilized in Class I in the Florida order markets has historically been maintained at a relatively high level. This may be attributed principally to the fact that the high cost of producing milk in Florida encourages a level of production that is closely related to the markets' Class I needs. Despite the high Class I utilization on an annual basis, there are times during the year (e.g., when schools are closed and the tourist business is at a seasonal low point) that Florida producers have excess supplies that they must dispose of to manufacturing outlets. In months of seasonal high demand (e.g., the height of the tourist season), some supplemental supplies are brought into the market. Basically, however, Florida producers adjust their production seasonally to meet the markets' Class I needs and producer milk supplies have been reasonably adequate for these markets.

In 1967, the monthly average of producer deliveries under the Southeastern Florida order was 47.3 million pounds, of which 40.9 million (86 percent) were Class I. Tampa Bay order producer deliveries averaged 33.4 million pounds, with 24.1 million (73 percent) in Class I. In Upper Florida, producer deliveries averaged 36.7 million pounds, with 31 million (85 percent) in Class I.

In the recent months of January through April 1968, the total Class I utilization of producer receipts in the three Florida markets was 85 percent compared to 82 percent a year earlier.[1] A total of 486 million pounds of producer milk was pooled under the three orders in January–April 1968, 15 million pounds less than the 501 million pooled a year earlier. Class I utilization of producer milk in this 4-month period in 1968 was 412 million pounds compared to 410 million pounds a year earlier.

[1] Official notice is taken of the market administrator's "Market Statistics" for the Upper Florida, Tampa Bay, and Southeastern Florida orders containing data for March and April 1968 not available at the time of the hearing.

Southeastern Florida Class I utilization of producer deliveries in January–April was 86 percent in 1968 and 87 percent in 1967. Tampa Bay Class I utilization of producer milk during this time was 78 percent in 1968 and 73 percent a year earlier. Upper Florida Class I utilization for the four months was 89 percent in 1968 and 84 percent in 1967.

The Class I price increase provided herein is comparable to that provided for May 1968 through April 1969 in all other Federal milk orders. A decision issued April 15, 1968 (33 F.R. 6016) provided for a 28-cent increase in the Class I price level of 71 orders effective May 1, 1968, through April 1969. This was effectuated in the orders utilizing a basic formula price by providing that for the purpose of computing Class I prices through April 1969, the minimum basic formula price shall be $4.33. Prior to May 1, 1968, the minimum was $4.05. The 28-cent increase thus provided is the amount by which the dairy price support level was increased (from $4 to $4.28) for the marketing year beginning April 1, 1968.

Testimony of Florida producer spokesmen indicated that the economic and marketing conditions that warranted the 28-cent increase in the 71 orders outside of Florida exist similarly in the three Florida order markets. The findings and conclusions of that decision that are concerned with providing for a basic formula price of not less than $4.33 for the purpose of computing the Class I price for each month through April 1969 are equally applicable in the Florida order markets.

Official notice is taken of the April 15, 1968, decision referred to above and its findings and conclusions are adopted herein.

The basic formula price (Minnesota-Wisconsin manufacturing milk price series) used in computing the Florida orders' Class I prices beyond April 1969 would tend to reflect the level of the support price announced by the Secretary for manufacturing grade milk for the marketing year beginning April 1, 1969. If the support price is unchanged, it is not expected that the basic formula price used in computing the Florida Class I prices would vary significantly from the minimum of $4.33 provided by this decisions through April 1969. However, if a change in the support price of other factors indicates that the orders' basic formula price beyond April 1969 is inappropriate, consideration could then be given to holding a hearing on an appropriate alternative.

In conjunction with its proposal to retain the order's present supply-demand provisions, the principal cooperative in the Southeastern Florida market proposed that the Southeastern Florida Class I price be not more than 20 cents above the Tampa Bay Class I price and the Upper Florida Class I price applicable in central Florida (Orlando area). The cooperative emphasized the importance of aligning the Class I prices in the three orders.

An appropriate alignment can best be maintained by utilizing the same Class I price provisions in the three orders, except for fixed differences that give consideration to such factors as the distances of the markets from alternative sources of supply. The use of a supply-demand adjustor in the Southeastern Florida order could substantially nullify the Class I price alignment among the three markets.

The supply-demand provisions proposed by the cooperative would have a limited effect if they were incorporated in the Southeastern Florida order. The cooperative proposed that the Southeastern Florida Class I price be not more than 20 cents above the Tampa Bay Class I price or the Upper Florida Class I price in central Florida. This price alignment is adopted in this decision. Accordingly, the proposed supply-demand adjustment provisions could result only in reducing the Southeastern Florida Class I price relative to the Class I prices in the other Florida markets.

Although urging retention of the order's supply-demand provisions, Southeastern Florida producers emphasized that higher Class I prices are warranted in that market. Higher prices are necessary, they claim, to provide an incentive to producers to maintain in adequate level of production for the market in view of the increased production costs and difficulties being experienced by them in obtaining and keeping suitable labor.

From August 1967 through April 1968, the supply-demand adjustor under the Southeastern Florida and Tampa Bay orders resulted in Class I price adjustments ranging from zero to minus 21 cents. There have been no plus adjustments to the Class I price by reason of this supply-demand adjustor.

The spokeman for Tampa Bay producers stated that the supply-demand adjustor had not accomplished the purpose for which it was intended in that market. He noted particularly the misalignment in prices between the Tampa Bay and Upper Florida orders resulting from the action of the Tampa Bay supply-demand formula. He also indicated that the current supply-demand provisions were not responsive to market conditions in the Tampa Bay market, as indicated by its reducing the Class I prices 20, 21, and 11 cents, respectively, in the months of September, October, and November 1967. The production for the market, according to the spokesman, should not have been discouraged in these months of seasonal high demand by minus supply-demand adjustments.

Although handlers proposed a supply-demand adjustment in connection with their Class I price proposals for the three orders, they also proposed (if no supply-demand provisions were adopted) that the Class I price differentials under the three orders be adjusted to reflect the average supply-demand adjustment of minus 10 cents that has been applicable under the Tampa Bay and Southeastern Florida orders. The Class I price differentials proposed herein for these two orders, by incorporating this adjustment, will achieve an appropriate alignment between the Class I prices in these

orders and between them and the Upper Florida Class I price.

The record does not establish that current conditions in the Florida order markets justify supply-demand provisions in conjunction with the prices herein provided to insure a desirable level of production relative to the Class I needs of these markets. Accordingly, the proposal to incorporate supply-demand provisions in the Florida orders at this time is denied.

Both producers and handlers supported the proposal that the Tampa Bay Class I price and the Upper Florida Class I price in the Orlando area (the portion of the marketing area south of Dixie, Gilchrist, Alachua, Putnam, or St. Johns Counties) be the same. The Upper Florida Class I price for milk received from producers at plants in this southern portion of the Upper Florida marketing area is 10 cents higher than for milk received at plants elsewhere in the marketing area.

For the 12 months through April 1968, the Upper Florida Class I price in the Orlando area averaged $6.91 and the Tampa Bay Class I price, $6.93. In the nine months that the present basis of pricing in the Tampa Bay order has been effective, August 1967 through April 1968, the average Class I prices for Tampa Bay and for Upper Florida in the Orlando area were the same, $6.89.

This decision, recognizing the relationship of Class I prices that has existed, proposes the same Class I price for the Tampa Bay order and for the Upper Florida order in the Orlando area. Moreover, by providing the same basis (basic formula plus a differential) for determining their Class I prices, this decision insures that the Class I prices for the Tampa Bay order and the Upper Florida order in the Orlando area will not only average the same annually but also will be the same from month to month.

Handlers' proposal for a stated Class I price in each order that would expire June 30, 1969, is denied. The prices proposed by handlers are significantly less than those proposed herein. For example, the $7.15 Class I price proposed by handlers for Southeastern Florida is 28 cents less than the minimum Class I price of $7.43 provided by this decision.

In proposing a fixed Class I price, handlers urged that the basic formula price (Minnesota-Wisconsin price series) be discontinued as a basis for determining the Florida order Class I prices. The Minnesota-Wisconsin price series was found to be an appropriate factor to be used as a basic formula price at hearings at which the three Florida orders' Class I prices had been established. Most recently, the July 25, 1967, decision (32 F.R. 10857) providing for Class I prices in the Tampa Bay and Southeastern Florida orders effective August 1, 1967, adopted the Minnesota-Wisconsin price as a basic formula price. This price series, which has wide acceptance as a basic formula price in Federal orders, is no less appropriate as a basic formula price in the three Florida orders now than when it was initially incorporated in these orders. The proposal to discontinue using it in the Florida orders is denied.

No purpose would be served by having the orders specify that Class I prices shall be effective only through June 30, 1969. If at any time an interested party deems that the Class I prices (or any other provisions) of the Florida orders are inappropriate, consideration would then be given to holding a hearing on proposals to revise such provisions.

No action should be taken at this time on the proposal made at the hearing to provide for a plus location differential on milk received at a Tampa Bay order pool plant located in the Southeastern Florida marketing area. A group of handlers proposed such a location differential in the amount by which the Southeastern Florida Class I price exceeds the Tampa Bay Class I price.

The notice of hearing did not indicate specifically that such a proposal or any other proposal to amend the location differential provisions of the Tampa Bay order was a matter to be considered at the hearing. A handler who was not at the hearing opposed in his brief amending the Tampa Bay location adjustment provisions until he has been afforded an opportunity to present evidence on the matter at a hearing.

At present, there are no Tampa Bay order pool plants located in the Southeastern Florida marketing area. Several Southeastern Florida order plants now distribute milk in the Tampa Bay marketing area. If such a plant in any month had greater distribution in Tampa Bay than in the Southeastern Florida marketing area, it would be a pool plant under the Tampa Bay order and a nonpool plant under the Southeastern Florida order for the month. Although this could happen, testimony at the hearing did not indicate that it was an immediate likelihood. It would, therefore, be appropriate to consider a plus location differential at Tampa Bay pool plants located in the Southeastern Florida marketing area at a later hearing at which the matter may be explored comprehensively by all interested parties.

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

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

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

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

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

*Recommended marketing agreements and orders amending the orders.* The following orders amending the orders as amended regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

## PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. Section 1006.50 is revised to read as follows:

**§ 1006.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. For the purpose of computing the Class I prices from the effective date hereof through April 1969, the basic formula price shall be not less than $4.33.

2. In § 1006.51, paragraph (a) is revised to read as follows:

**§ 1006.51 Class prices.**

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.80.

* * * * *

## PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. Section 1012.50 is revised to read as follows:

**§ 1012.50 Basic formula price.**

This basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. For the purpose of computing the Class I prices from the effective date hereof through April 1969, the basic formula price shall be not less than $4.33.

2. In § 1012.51, paragraph (a) is revised to read as follows:

**§ 1012.51 Class prices.**

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $2.90.

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## PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. Section 1013.50 is revised to read as follows:

**§ 1013.50 Basic formula price.**

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential (rounded to the nearest one-tenth cent) at the rate of the Chicago butter price times 0.12 and rounded to the nearest cent. For the purpose of computing the Class I prices from the effective date hereof through April 1969, the basic formula price shall be not less than $4.33.

2. In § 1013.51, paragraph (a) is revised to read as follows:

**§ 1013.51 Class prices.**

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $3.10.

* * * * *

Signed at Washington, D.C., on June 6, 1968.

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

[F.R. Doc. 68-6881; Filed, June 11, 1968; 8:46 a.m.]

# DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

**[ 23 CFR Part 256 ]**

[Docket No. 20; Notice 3]

## REGROOVED TIRES

### Notice of Proposed Rule Making

Section 204(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1424), provides that no person shall sell, offer for sale, or introduce for sale or deliver for introduction in interstate commerce any tire or motor vehicle equipped with any tire which has been regrooved but gives the authority to permit the use of regrooved tires designed and constructed in a manner consistent with the purposes of the Act.

A notice was published in the FEDERAL REGISTER of August 10, 1967 (32 F.R. 11579), affording interested persons the opportunity to present views, information, and data which could form the basis for permitting the sale and delivery for introduction into interstate commerce of regrooved tires consistent with the purposes of the Act. Responses to the notice were to be filed by August 31, 1967. On October 4, 1967, a notice of an extension of time to file comments was published in the FEDERAL REGISTER (32 F.R. 13834) extending the time to file comments to October 30, 1967.

The comments, data, and information received, as well as data derived from field surveys, audits, and tests conducted by the Federal Highway Administration indicate that the safety performance characteristics of regrooved tires can be comparable to tires with a molded tread pattern with the same depth of groove and tread compound. Therefore, it is appropriate to propose regulations setting forth criteria to govern the use of regrooved tires. Interested persons should note that under the proposed regulations persons who regroove tires and lease them to owners or operators of motor vehicles and persons who regroove their own tires and mount them on a motor vehicle are considered persons delivering for introduction into interstate commerce within the meaning of this part. If this regulation is adopted anyone violating its provisions would be subject to civil penalty and injunction in accordance with sections 109 and 110 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1398, 1399).

Interested persons are invited to participate in the making of these proposed regulations by submitting written data, views, or arguments. Ten copies of comments should be submitted to the National Highway Safety Bureau, Attention: Rules and Docket Room 512, Federal Highway Administration, Department of Transportation, Washington, D.C. All comments received on or before close of business July 22, 1968, will be considered before action is taken on the proposed regulation. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the docket for examination by interested persons. In consideration of the foregoing it is proposed to add to Title 23—Highways and Vehicle, Chapter II—Vehicle and Highway Safety, Subchapter C—Motor Vehicle Safety Regulations, Part 256—Regrooved Tire Regulations, to read as set forth below.

This notice is issued under the authority of sections 119 and 204(a) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1407, 1424), and the delegation of authority contained in § 1.4(c) of Part 1 of the regulations of the Office of the Secretary.

Issued in Washington, D.C., on June 7, 1968.

LOWELL K. BRIDWELL,
*Federal Highway Administrator.*

SUBCHAPTER C—MOTOR VEHICLE SAFETY REGULATIONS

## PART 256—REGROOVED TIRE REGULATIONS

Sec.
256.1 Purpose and scope.
256.3 Definitions.
256.5 Requirements.
256.7 Labeling of regroovable and regrooved tires.

**§ 256.1 Purpose and scope.**

Section 204 of the National Traffic and Motor Vehicle Safety Act of 1966 provides in part that: "No person shall sell, offer for sale, or introduce for sale or deliver for introduction in interstate commerce, any tire or motor vehicle equipped with any tire which has been regrooved * * *" except as the Secretary may permit. This part sets forth the conditions under which regrooved tires may be sold, offered for sale, introduced for sale or delivered for introduction in interstate commerce.

**§ 256.3 Definitions.**

As used in this part—

"Regroovable tire" means a tire designed and constructed with sufficient tread material to permit the removal of rubber from the surface of the tire in order to renew the tread pattern or to generate a new tread pattern.

"Regrooved tire" means a tire on which the tread pattern has been renewed or a new tread has been produced by cutting into the tread of a worn tire.

**§ 256.5 Requirements.**

(a) *Regrooved tires.* Each regrooved tire produced by removing rubber from the surface of a worn tire tread to generate a new tread pattern shall conform to the following:

(1) The tire being regrooved shall—

(i) Be a regroovable tire; and

(ii) Have no carcass defect that degrades the tire's safety performance characteristics;

(2) The tire shall not be damaged by the regrooving process;

(3) After regrooving, cord material below the grooves shall have a protective covering of tread material at least 2/32 inches thick;

(4) After regrooving, the tire shall have a minimum of 90 linear inches of tread edges per linear foot of tire circumference;

(5) After regrooving, the groove width shall be a minimum of 3/16 inch and a maximum of 5/16 inch; and

(6) After regrooving, all grooves cut into the tread shall provide unobstructed fluid escape passages.

(b) *Tractionized tires.* Each tractionized tire produced by slicing or cutting the tread surface of a tire without removing rubber shall conform to the following:

(1) The tire cord material shall not be damaged during the tractionizing process.

(2) The tread surface shall not be cut or sliced deeper than the tread grooves.

**§ 256.7 Labeling of regroovable and regrooved tires.**

(a) *Regroovable tires.* Each regroovable tire shall be conspicuously labeled on both sidewalls with each of the following permanently molded into or onto the tire:

(1) The word "Regroovable" indicating that the tire was manufactured for regrooving. (Figure 1)

(2) A symbol "RG [] [] [] []" as shown in Figure 1.

(b) *Regrooved tires.* Each regrooved tire produced by removing rubber shall be identified as to the number of times the tire has been regrooved by branding the letter "X" in the box adjacent to the symbol "RG", as shown in Figure 1, each time the tire is regrooved.

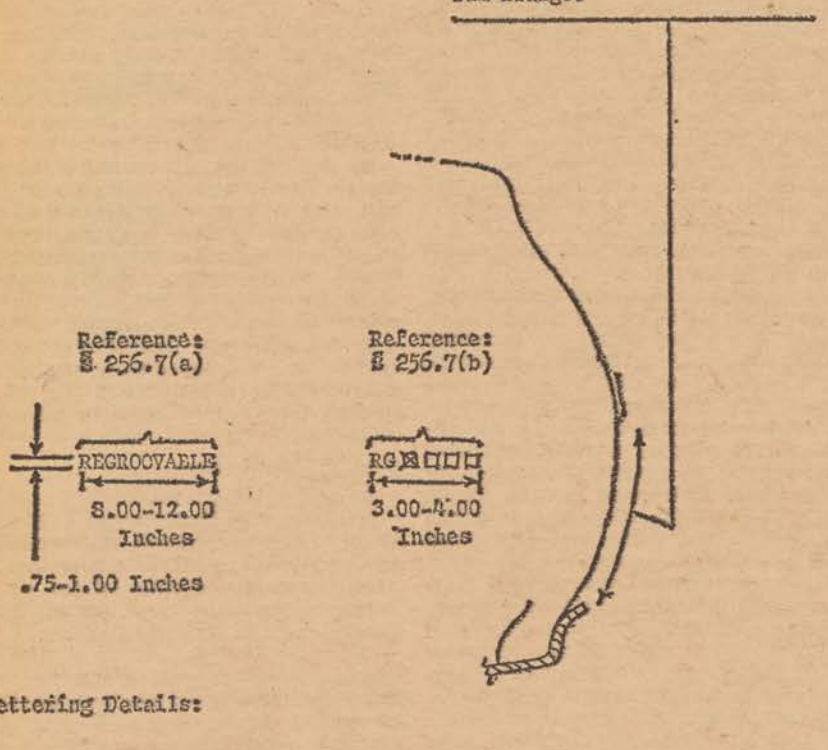


FIGURE 1. Specifications for identification of regroovable tires and approved symbol for noting each regrooving process.

[F.R. Doc. 68-6888; Filed, June 11, 1968; 8:48 a.m.]

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## [ 49 CFR Part 293 ]

[Docket No. MC-5]

## TIRES

### Notice of Proposed Rule Making

The Federal Highway Administrator published in the FEDERAL REGISTER of August 24, 1967 (32 F.R. 12190), an advance notice of proposed rule making inviting responses from interested persons with respect to the desirability of amendment of § 293.75 in order to make specific provision for depth of tread grooves, limitations on wear, and extension of the restriction presently in that section concerning use of regrooved, recapped, or retreaded tires. Replies have been received from 276 interested parties. Evaluation of these replies and consideration of certain test data warrant the issuance of this notice of proposed rule making.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments must identify the regulatory docket and must be submitted in three (3) copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety, Room 302. Comments should contain all material and data considered relevant to any statement of fact. All comments received on or before close of business July 22, 1968, will be considered before action is taken on the proposed rule making. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the Bureau of Motor Carrier Safety, Sixth and D Streets SW., Room 302, Washington, D.C. 20591.

This proceeding is proposed under the authority of section 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304); section 6 of the Department of Transportation Act (49 U.S.C. 1955); and delegation of authority dated April 5, 1967 (32 F.R. 5606).

In consideration of the foregoing, it is proposed to amend § 293.75 of the Motor Carrier Safety Regulations (said regulation is applicable to vehicles as specified in § 290.33) to read as follows:

**§ 293.75 Tires.**

(a) No motor vehicle shall be operated on any tire which has any fabric exposed through tread or sidewall.

(b) Tires on the front wheels of any bus, truck, or truck-tractor shall have a tread pattern depth of not less than 2/32 inch when measured at any point on the tire.

(c) Tires on all wheels other than the front wheels of any motor vehicle shall have a tread pattern depth of not less than 1/16 inch when measured at any point on the tires.

(d) No bus shall be operated with regrooved, recapped, or retreaded tires on the front wheels. No truck or truck-tractor shall be operated with regrooved, recapped, or retreaded tires on the front wheels, if such tires are 8:25-20 or larger and have a ply rating of 8 or more.

(e) Regrooved tires:

(1) Tires may be regrooved only if designed for such purpose.

(2) If cross grooved, the groove pattern shall form an angle of 45 degrees with the center line of the tire and shall have a maximum spacing of 4 inches.

(3) If circumferentially grooved, the groove pattern shall have not less than five grooves.

(4) The maximum width of any groove shall be 5/16 inch and the minimum width shall be 3/16 inch.

Issued in Washington, D.C., on June 7, 1968.

LOWELL K. BRIDWELL,
*Federal Highway Administrator.*

[F.R. Doc. 68-6889; Filed, June 11, 1968; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[C–2899, etc.]

### COLORADO

### Notice of Proposed Classification of Public Lands

JUNE 6, 1968.

1. Pursaunt to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify public lands described below for disposal through public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171); the Public Land Sale Act of September 19, 1964 (43 U.S.C. 1421–27); and the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869; 869–1 to 869–4). As used herein "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269) as amended, which are not otherwise withdrawn or reserved for Federal use or purpose.

2. Publication of this proposed classification segregates the described lands from all forms of disposal under the public land laws, including the mining laws, except the forms of disposal for which it is proposed to classify the lands. However, publication does not alter the applicability of the public land laws governing the use of the lands under lease, license or permit or governing the disposal of their mineral and vegetative resources other than under the mining laws.

3. This proposal has been discussed with Federal, State, and local governmental officials; and interested citizen groups. Information obtained from field data, discussions with the public and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(a), which authorizes classification of lands for disposal under appropriate authority where such lands are found to be chiefly valuable for disposal, are not needed for the support of a Federal program.

4. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Glenwood Springs District Office, Bureau of Land Management, Glenwood Springs, Colo., and at the Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202. For a period of 60 days from date of this publication, interested parties may submit comments to the State Director, Bureau of Land Management, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

(C–2899)

SEDGWICK COUNTY

T. 11 N., R. 44 W.,
Sec. 18, Lots 5 and 6;
Sec. 30, Lots 7 and 8.
T. 10 N., R. 47 W.,
Sec. 17, NE¼SW¼.

The area involved is approximately 151.84 acres of public land in Sedgwick County.

(C–2901)

LOGAN COUNTY

T. 10 N., R. 48 W.,
Sec. 22, NE¼SW¼, N½SE¼.
T. 10 N., R. 49 W.,
Sec. 34, NE¼SW¼.
T. 9 N., R. 51 W.,
Sec. 28, SW¼NW¼;
Sec. 29, S½SE¼;
Sec. 32, NW¼NE¼.
T. 6 N., R. 52 W.,
Sec. 7, lot 4;
Sec. 20, E½NW¼.
T. 11 N., R. 53 W.,
Sec. 17, SE¼NE¼;
Sec. 27, E½NE¼, NW¼NW¼.
T. 10 N., R. 54 W.,
Sec. 14, SE¼SE¼.
T. 10 N., R. 55 W.,
Sec. 21, SW¼SW¼.
T. 11 N., R. 55 W.,
Sec. 4, SE¼SE¼;
Sec. 8, SW¼NW¼, NW¼SW¼;
Sec. 20, SW¼SW¼.

The area involved is approximately 836.00 acres of public land in Logan County.

(C–2902)

MORGAN COUNTY

T. 2 N., R. 56 W.,
Sec. 22, SE¼SE¼.
T. 5 N., R. 57 W.,
Sec. 19, NE¼NE¼.
T. 2 N., R. 58 W.,
Sec. 1, SW¼SE¼.
T. 5 N., R. 58 W.,
Sec. 22, SW¼SW¼;
Sec. 23, E½SE¼;
Sec. 27, NW¼NE¼, NE¼NW¼.
T. 6 N., R. 58 W.,
Sec. 26, NE¼SE¼.
T. 2 N., R. 59 W.,
Sec. 17, NE¼NE¼.
T. 3 N., R. 59 W.,
Sec. 31, NE¼SE¼.
T. 1 N., R. 60 W.,
Sec. 24, NW¼SE¼.
T. 5 N., R. 60 W.,
Sec. 12, NE¼SW¼.

The area involved is approximately 520.00 acres of public land in Morgan County.

The total area involved in this proposal aggregates approximately 1,507.84 acres of public land.

J. ELLIOTT HALL,
*Acting State Director.*

[F.R. Doc. 68–6891; Filed, June 11, 1968; 8:47 a.m.]

[New Mexico 5820]

### NEW MEXICO

### Notice of Proposed Withdrawal and Reservation of Lands

JUNE 5, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, New Mexico 5820, for the withdrawal of lands described below, from location and entry under the mining laws. The applicant desires the lands for administrative sites and recreational areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

SANTA FE NATIONAL FOREST

*Glorieta Lookout and Picnic Ground*

T. 16 N., R. 11 E.,
Sec. 5, lot 7.

*Dalton Fishing Site*

T. 17 N., R. 12 E.,
Sec. 32, lots 5 and 11;
Sec. 33, lot 7.

*Panchuela Administrative Site and Campground*

T. 19 N., R. 12 E.,
Sec. 27 SE¼SW¼NW¼, W½NE¼SW¼, SE¼NE¼SW¼, NE¼NW¼SW¼, E½SE¼SW¼, NW¼SE¼SW¼, SE¼SW¼SW¼ and W½SW¼SE¼;
Sec. 34, N½NW¼NE¼, SW¼NW¼NE¼ and N½SE¼NW¼NE¼.

*Rowe Mesa Administrative Site*

T. 13 N., R. 13 E.,
Sec. 27, SE¼SW¼SE¼ and SW¼SE¼SE¼;
Sec. 34, NW¼NE¼NE¼ and NE¼NW¼NE¼.

*Manzanares Administrative Site and Campground*

T. 17 N., R. 13 E.,
Sec. 32, S½SW¼NE¼, E½SE¼SW¼ and W½SE¼.

*Elk Mountain Lookout and Communication Site*

T. 18 N., R. 13 E.,
Sec. 22, S½NW¼SE¼, and N½SW¼SE¼.

*Beatty's Administrative Site*

Tps. 19 and 20 N., R. 13 E., unsurveyed,
Beginning at a point at the junction of the Pecos River and Padre Creek in sec. 31, T. 20 N., R. 13 E., thence N. 63° W., 35 chains; thence S. 27° W., 46 chains, to a point in sec. 6, T. 19 N., R. 13 E.; thence S. 63° E., 36 chains to point of intersection with the Pecos River in sec. 6, T. 19 N., R. 13 E.; thence NE following the west bank of the Pecos River along its meanders to the point of beginning at the intersection of the Pecos River and Padre Creek, approximately 47.5 chains.

*Barillas Peak Lookout*

T. 16 N., R. 14 E.,
Sec. 33, SW¼SW¼.

The areas described aggregate 704.72 acres, more or less.

MICHAEL T. SOLAN,
*Chief, Division of Lands and Minerals, Program Management and Land Office.*

[F.R. Doc. 68-6869; Filed, June 11, 1968; 8:45 a.m.]

# DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

[Marketing Agreement 146]

## PEANUTS; 1968 CROP

## Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1968 Crop Peanuts," "Outgoing Quality Regulation—1968 Crop Peanuts," and the "Terms and Conditions of Indemnification—1968 Crop Peanuts," which modify or are in addition to the provisions of sections 5, 31, 32, and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1968 Crop Peanuts," "Outgoing Quality Regulation—1968 Crop Peanuts," and the "Terms and Conditions of Indemnification—1968 Crop Peanuts" be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1968 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1968 Crop Peanuts," "Outgoing Quality Regulation—1968 Crop Peanuts," and the "Terms and Conditions of Indemnification—1968 Crop Peanuts" are hereby approved this seventh day of June 1968.

Dated: June 7, 1968.

PAUL A. NICHOLSON,
*Deputy Director, Fruit and Vegetable Division.*

INCOMING QUALITY REGULATION—1968 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1968 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1968 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1 percent concealed damage caused by rancidity, mold, or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64} \times ¾$ inch; Spanish and Valencia—$^{15}/_{64} \times ¾$ inch; Virginia—$^{15}/_{64} \times 1$ inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, such peanuts may contain up to 3 percent damaged kernels. In the Southeastern Area and Virginia-Carolina Area, seed peanuts may contain up to 11 percent moisture and in the Southwestern Area up to 10 percent moisture, and may have visible *Aspergillus flavus.* However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts and any residual not used for seed, shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. Peanuts residual from those shelled and disposed of for seed purposes may be acquired by handlers if the seed sheller has signed the marketing agreement. If such peanuts have been shelled by a producer or seed sheller who has not signed the marketing agreement, the peanuts may be acquired only upon the condition that they are held and milled separate and apart from other receipts or acquisitions of the handler until inspected and certified (without having been washed, blanched or cleaned with plastic pellets) as meeting the Outgoing Quality Regulation for the 1968 crop, as being either U.S. No. 1 peanuts or U.S. Splits of the U.S. standards for grades of shelled peanuts, and as being wholesome as determined by a chemical assay for aflatoxin. All chemical assays shall be by a Committee approved laboratory. If the peanuts fail any requirement they shall be disposed of by sale to the Commodity Credit Corporation, by sale for oil stock or by crushing.

(f) *Oil stock.* Handlers who are crushers may acquire as oil stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handler who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts for the sole purpose of delivery to crushers: *Provided,* That all such acquisitions shall be held separate and apart from Segregation 1 peanuts acquired for milling or from edible

grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal.

OUTGOING QUALITY REGULATION—1968 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1968 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption with respect to which appropriate samples for pretesting have not been drawn in accordance with subparagraph (c) of this regulation or which contain more than (1) 1.25 percent damaged kernels, other than minor defects; (2) 2 percent damage and minor defects combined; (3) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners, Spanish, or Virginia "with splits" shall not exceed 2 percent. The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this subparagraph (a) shall be as follows:

| Grade and type | Screen openings | |
|---|---|---|
| | Split and broken kernels | Whole kernels |
| Virginia | 17/64 inch round | 14/64 x 1 inch slot. |
| Runners | 17/64 inch round | 14/64 x 3/4 inch slot. |
| Spanish and Valencia. | 15/64 inch round | 13/64 x 3/4 inch slot. |

(Runners, Spanish, or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Runners or Spanish 2 percent whole kernels which will pass through a 15/64 x 3/4 slot screen and for Virginias a 15/64 x 1 slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade.)

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a Consumer and Marketing Service laboratory (hereinafter referred to as "C&MS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2 percent peanuts with damaged kernels; (3) with more than 10 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause an appropriate sample of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service and sent by the Service for aflatoxin assay to a C&MS laboratory or a laboratory listed on the most recent Committee list of approved laboratories to conduct such aflatoxin assay. If the sample is drawn from a bulk lot of peanuts, the sample shall be large enough to provide peanuts for a grade analysis, for a grading check sample, for an original aflatoxin assay and for two aflatoxin assay recheck samples. If the Federal or Federal-State inspector, who draws the sample, has access to a "subsampling mill", approved by the Peanut Administrative Committee, the sample may be ground in such mill, and the inspector shall forward an appropriate subsample to the laboratory, specified by the handler or buyer, for assay. Each such sample, or each such subsample, shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. Any costs of drawing such samples and postage for mailing the samples or subsamples shall be borne by the handler. Cost of the assay shall be for the account of the buyer of the lot. If the handler elects to pay for the assay, he shall charge the buyer when he invoices the peanuts and, if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler. If the buyer is not listed in the notice, the results of the assay shall be reported to the handler who shall promptly give notice, or cause notice to be given, to the buyer of the contents thereof.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or containers other than bags shall have their lot identity maintained by sealing the conveyance or by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All such lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Until such time as procedures permitting interplant or cold storage movement are established by the Committee, no handler shall so move, beyond the surveillance of the on-premises Federal-State inspector, cleaned inshell or shelled peanuts which have been bagged and tagged for handling under positive lot identification, unless such peanuts have been inspected and certified as meeting the outgoing quality regulation. However, any handler may transfer peanuts not so prepared from one plant owned by him to another of his plants or to commercial storage, without having such peanuts inspected and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, sheller oil stock, and pickouts.* (1) No handler may dispose of loose shelled kernels (other than the whole kernels separated from them pursuant to paragraph (d) of the Incoming Quality Regulation applicable to 1968 crop peanuts), sheller oil stock, and pickouts (residue) from milled peanuts except by sale to the Commodity Credit Corporation of those qualities acceptable to it, by sale for oil stock or by crushing. For the purpose of this regulation: the term "non-edible quality peanuts described in paragraph (g)(1)" means loose shelled kernels, sheller oil stock, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "sheller oil stock" means accumulations of peanut kernels or portions of kernels, other than loose shelled kernels or pickouts, which are not eligible for shipment as edible peanuts or sale to the Commodity Credit Corporation and the inshell peanuts removed from farmers stock peanuts by such devices as gravity separators and such other peanut material commonly referred to as oil stock; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, sheller oil stock, and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels or delivered to the Commodity Credit Corporation. Each such category of peanuts shall be bagged separately in suitable new or clean, sound used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be inspected by Federal or Federal-State inspectors in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of nonedible quality peanuts described in paragraph (g)(1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. Such peanuts may be disposed of only by crushing into oil and meal or destroyed, unless other disposition is authorized by the Committee and all dispositions shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts shall be deemed to be "restricted" peanuts and the meal produced therefrom shall be used or disposed of as fertilizer or other nonfeed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, peanuts other than pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by Consumer and Marking Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provision of this regulation or of the Incoming Quality Regulation applicable to 1968 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to another handler or crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they

agree to comply with the terms of this paragraph (g) including the reporting requirements.

TERMS AND CONDITIONS OF INDEMNIFICATION—1968 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify, or arrange for the buyer to notify, the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of a chemical assay. If such a lot of peanuts has been inspected and certified as meeting the quality requirements of the agreement, and all other applicable regulations issued pursuant thereto, including pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1968 Crop Peanuts", and the lot identification has been maintained, the Committee, if it chooses, may request another chemical assay on such a lot which shall be performed by a C&MS laboratory. If the Committee concludes that the lot is so high in aflatoxin that it should be eligible for indemnification and such is concurred in by the Consumer and Marketing Service, the lot shall be eligible for indemnification; and, if the peanuts are covered by a sales contract, such lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Consumer and Marketing Service shall, prior to disposition for crushing, determine if the lot is suitable for remilling.

If the Committee and the Consumer and Marketing Service conclude that such lot is not suitable for remilling, the lot shall be declared for indemnification and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts not suitable for remilling shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary temporary storage and of transportation (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for indemnification shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1 percent damaged kernels other than minor defects. Lots with damage in excess of 1 percent shall be remilled without reimbursement, for milling, freight, or other costs, from the Committee. If upon remilling a lot with excess damage, the new lot is determined to be eligible for indemnification but is found to be unwholesome due to aflatoxin, the indemnification payment shall be on the weight of the new lot.

The indemnification value of peanuts delivered to the Committee for indemnification shall be the sales contract (including transfer) price established to the satisfaction of, and acceptable to, the Committee or if the lot is unsold the applicable market price determined by the Committee based on quotations in the most recent "Peanut Market News" report published by C&MS.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts removed in the remilling process and not cleared for human consumption, plus temporary storage and transportation costs from origin to destination and return to point or remilling, except as hereinafter restricted, and an allowance for remilling of 1 cent per pound on the original weight. Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling and clearance of the lot for human consumption as the Committee may require, and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any remilled lot, the Committee shall declare the entire lot for indemnification.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling. Where a lot has been shipped and the Committee orders remilling, the Committee will pay actual freight charges to the place of remilling but not in excess of the return freight from destination to the origin of the shipment.

Claims for indemnification on peanuts of the 1968 crop shall be filed with the Committee at least 30 days prior to December 31, 1969.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

"Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Ga. Upon a determination of the Peanut Administrative Committee, confirmed by the Consumer and Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

"Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause an appropriate sample to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample to be sent to a C&MS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's, to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller."

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1968 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1968 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Categories eligible for indemnification are the following:

CLEANED IN-SHELL PEANUTS

(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting Stock.[1]

U.S. GRADE SHELLED PEANUTS

(1) U.S. No. 1.
(2) U.S. Splits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.

SHELLED PEANUTS "WITH SPLITS"

(1) Runners with splits meeting outgoing quality requirements.
(2) Spanish with splits meeting outgoing quality requirements.
(3) Virginias with splits meeting outgoing quality requirements.

[F.R. Doc. 68-6882; Filed, June 11, 1968; 8:46 a.m.]

## Office of the Secretary

## OREGON

### Designation of Areas for Emergency Loans

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

OREGON

| | |
|---|---|
| Douglas. | Marion. |
| Jackson. | Polk. |
| Lane. | Yamhill. |

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C. this seventh day of June 1968.

ORVILLE L. FREEMAN,
*Secretary.*

[F.R. Doc. 68-6925; Filed, June 11, 1968; 8:47 a.m.]

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

# DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

### TIRE MANUFACTURERS

### National Highway Safety Bureau

### Approved Code Marks

Section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1421 as amended) and section S4.3 of Motor Vehicle Safety Standard No. 109 (32 F.R. 15792), as amended (32 F.R. 17938, 33 F.R. 5944 and 33 F.R. 7820) requires that each tire be labeled with the name of the manufacturer or his brand name and an approved code mark to permit the seller to identify the manufacturer of the tire to the purchaser upon request. Tire manufacturers using a brand name were requested to apply for an approved code number assignment. As of May 28, 1968, the following assignments have been made as a result of such application:

| Code No. | Tire manufacturer |
|---|---|
| 125 | The Gates Rubber Co. |
| 126 | McCreary Tire and Rubber Co. |
| 127 | Uniroyal Inc. |
| 128 | Cooper Tire and Rubber Co. |
| 129 | Michelin Reifenwerke A. G. (Germany). |
| 130 | Michelin Tyre Co., Ltd. (England). |
| 131 | S.A. Belge Du Pneumatique Michelin (Belgium). |
| 132 | S.A.F.E. de Neumaticos Michelin (Spain). |
| 133 | Manufacture Francaise Des Pneumatiques Michelin (France). |
| 134 | N.V. Nederl. Banden-Industrie Michelin (Holland). |
| 135 | S.p.A. Michelin, Italiana (Italy). |
| 136 | Michelin, Ltd. (Nigeria). |
| 137 | The Mohawk Rubber Co. |
| 138 | The Kelly-Springfield Tire Co. |
| 139 | Denman Rubber Manufacturing Co. |
| 140 | Dunlop Tire and Rubber Corp. |
| 141 | Dunlop Canada, Ltd. (Canada). |
| 142 | Dunlop Company, Ltd. (England). |
| 143 | Deutsche Dunlop Gummi Compagnie A. G. (Germany). |
| 144 | Societe Anonyme des Pneumatiques-Dunlop (France). |
| 145 | The B. F. Goodrich Co. |
| 146 | The Seiberling Tire and Rubber Co. |
| 147 | The Firestone Tire and Rubber Co. |
| 148 | The Mansfield Tire and Rubber Co. |
| 149 | The Toyo Rubber Industry Co. (Japan). |
| 150 | Mansfield-Denman General Co., Ltd. (Canada). |
| 151 | The General Tire and Rubber Co. |
| 152 | Lee Tire and Rubber Co. |
| 153 | The Armstrong Rubber Co. |
| 154 | The Dayton Tire and Rubber Co. |
| 155 | The Firestone Tire and Rubber Co. of Canada, Ltd. (Canada). |
| 156 | Brema Societa Per Azioni (Italy). |
| 157 | Firestone Hispania, S.A. (Spain). |
| 158 | Phoenix Gummi Werke Aktiengesellschaft (Germany). |
| 159 | Firestone-Viskafors Gummifabrik Aktiebolag (Sweden). |
| 160 | Ohtsu Tire and Rubber Co., Ltd. (Japan). |
| 161 | Firestore Tyre and Rubber Co., Ltd. (England). |
| 162 | The Irish Dunlop Co., Ltd. (Ireland). |
| 163 | B. F. Goodrich Canada, Ltd. (Canada). |
| 164 | Firestone France S.A. (France). |
| 165 | N.V. Nederlandsch-Amerikaansche Autobandenfabriek Vredestein (Netherlands). |
| 166 | Continental Gummi Werke A.G. (Germany). |
| 167 | Uniroyal, Ltd. (Canada). |
| 168 | Pennsylvania Tire and Rubber Company of Mississippi, Inc. |
| 169 | The Goodyear Tire and Rubber Co. |
| 170 | The Goodyear Tire and Rubber Co. of Canada, Ltd. (Canada). |
| 171 | Seiberling Rubber Co. of Canada, Ltd. (Canada). |
| 172 | Metzeler A.G. (Germany). |
| 173 | Gulf Tire and Supply Co. |
| 174 | Sumitomo Rubber Industries, Ltd. (Japan). |
| 175 | Gummiwerke Fulda GMBH (Germany). |
| 176 | Semperit Osterrichisch-Amerikanische Gummi Werke Aktiengesellschafe (Austria). |
| 177 | Bridgestone Tire Co., Ltd. (Japan). |
| 178 | Nitto Tire Co., Ltd., Tokyo (Japan). |
| 179 | General Fabrica Espanola Del Caucho, S. A. (Spain). |
| 180 | CEAT Societa Per Azioni (Italy). |
| 181 | The Yokohama Rubber Co., Ltd. (Japan). |
| 182 | Trelleborg Rubber Co. (Sweden). |
| 183 | Madras Rubber Factory Limited of Madras (India). |
| 184 | Veith-Pirelli AG (West Germany). |
| 185 | CEAT Tyres of India, Ltd. (India). |
| 186 | Kleber-Colombes Co. (France). |

As additional code marks are approved supplemental lists will be published.

This notice is made under the authority of sections 103 and 119 of the National Traffic and Motor Safety Act of 1966 (15 U.S.C. 1392, 1407).

Issued in Washington, D.C., on June 7, 1968.

WILLIAM HADDON, Jr.,
*Director,*
*National Highway Safety Bureau.*

[F.R. Doc. 68-6890; Filed, June 11, 1968; 8:47 a.m.]

# DEPARTMENT OF COMMERCE

## Business and Defense Services Administration

### LOUISIANA 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. 68-00567-33-54500. Applicant: Louisiana State University, School of Medicine, 1542 Tulane Avenue, New Orleans, La. 70112. Article: Recorder and double image photographing device. Manufacturer: NAC, Inc., Japan. Intended use of article: The article will be used to provide a running record of eye movements in real time. 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: The foreign article is designed to simultaneously record the position of both eye pupils as they follow a moving image. The device is worn by the person being examined and continuous photographs are automatically taken, which show the position of the pupils in relation to the image at any point in time.

The foreign article is to be used in a research project to study eye movements during vestibular inner ear tests, as well as to investigate the relationship between movements of an image and the subsequently corresponding eye movements. Hence, the capability of the foreign article to binocularly record such eye movements automatically as a function of time, is a pertinent characteristic. The Department of Commerce knows of no similar instrument or apparatus being manufactured in the United States, which has this capability.

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

[F.R. Doc. 68-6991; Filed, June 11, 1968; 9:45 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### AMERICAN CYANAMID CO.

### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2299) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* be amended to provide for the safe use of partially stearoylated triethylene tetramine acetate as a component of dry-food contact paper and paperboard.

Dated: June 3, 1968.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 68-6918; Filed, June 11, 1968; 8:48 a.m.]

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### E. D. SMITH & SONS, LTD.

### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8A2296) has been filed by E. D. Smith & Sons, Ltd., Winona, Ontario, Canada, proposing that § 121.1017 *Calcium disodium EDTA* be amended to provide for the safe use of calcium disodium EDTA at a level not to exceed 100 parts per million in lemon flavored and orange flavored spreads to promote color retention.

Dated: June 3, 1968.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 68-6919; Filed, June 11, 1968; 8:48 a.m.]

## MERCK SHARP AND DOHME RESEARCH LABORATORIES

### Notice of Filing of Petitions for Pesticide and Food Additive

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348 (b)(5)), notice is given that a pesticide petition (PP 8F0724) has been filed by the Merck Sharp and Dohme Research Laboratories, a division of Merck & Co., Inc., Rahway, N.J. 07065, proposing the establishment of a tolerance of 2 parts per million for residues of the fungicide thiabendazole (2-(4-thiazolyl)-benzimidazole) in or on citrus fruits (of which no more than 0.04 part per million shall be present in the fruit after peel is removed).

Notice is also given that the same firm has filed a related food additive petition (FAP 8H2298) proposing the establishment of a food additive tolerance of 3.5 parts per million for residues of the fungicide in or on dried citrus pulp for livestock feed resulting from application of the fungicide to the growing raw agricultural commodity group citrus fruits.

The analytical method proposed for determining residues of the fungicide involves extraction into ethyl acetate from a pH-4.5 buffered suspension of citrus pulp or peel. The extract is washed with sodium hydroxide, extracted into hydrochloric acid, and determined by fluorescence measurement.

Dated: June 3, 1968.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 68-6920; Filed, June 11, 1968; 8:48 a.m.]

## UNION CARBIDE CORP.

### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 8B2301) has been filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, proposing the issuance of a regulation to provide for the safe use of polysulfone resins as articles or components of articles intended for repeated use in contact with food.

Dated: June 3, 1968.

J. K. KIRK,
*Associate Commissioner for Compliance.*

[F.R. Doc. 68-6921; Filed, June 11, 1968; 8:48 a.m.]

## Office of Education

## CONSTRUCTION OF ACADEMIC FACILITIES AND IMPROVEMENT OF UNDERGRADUATE CONSTRUCTION

### Promulgation of Allotment Ratios

Allotment to States for the following programs:

(1) Grants for construction of academic facilities for public community colleges and public technical institutes under Title I of the Higher Education Facilities Act of 1963; and

(2) Financial assistance for the improvement of undergraduate instruction under Part A of Title VI of the Higher Education Act of 1965.

Pursuant to both section 103 of the Higher Education Facilities Act of 1963, Public Law 88-204, 77 Stat. 363, and section 602 of the Higher Education Act of 1965, Public Law 89-329, 77 Stat. 1219, and on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce, the following allotment ratios for the States are hereby promulgated, effective with respect to the allotment of such funds as may be appropriated for the fiscal year ending June 30, 1969:

| | |
|---|---|
| Alabama | 0.6531 |
| Alaska | .4162 |
| Arizona | .5670 |
| Arkansas | .6632 |
| California | .4067 |
| Colorado | .5070 |
| Connecticut | .3764 |
| Delaware | .3969 |
| Florida | .5579 |
| Georgia | .6052 |
| Hawaii | .4718 |
| Idaho | .5805 |
| Illinois | .4047 |
| Indiana | .4857 |
| Iowa | .5112 |
| Kansas | .5173 |
| Kentucky | .6276 |
| Louisiana | .6206 |
| Maine | .5839 |
| Maryland | .4549 |
| Massachusetts | .4430 |
| Michigan | .4518 |
| Minnesota | .5179 |
| Mississippi | .6667 |
| Missouri | .5217 |
| Montana | .5592 |
| Nebraska | .5247 |
| Nevada | .3957 |
| New Hampshire | .5292 |
| New Jersey | .4116 |
| New Mexico | .5957 |
| New York | .4031 |
| North Carolina | .6236 |
| North Dakota | .5989 |
| Ohio | .4856 |
| Oklahoma | 0.5852 |
| Oregon | .5020 |
| Pennsylvania | .4996 |
| Rhode Island | .4872 |
| South Carolina | .6632 |
| South Dakota | .6085 |
| Tennessee | .6305 |
| Texas | .5724 |
| Utah | .5718 |
| Vermont | .5736 |
| Virginia | .5606 |
| Washington | .4679 |
| West Virginia | .6327 |
| Wisconsin | .5031 |
| Wyoming | .5347 |
| District of Columbia | .3333 |
| American Samoa | .6667 |
| Guam | .6667 |
| Puerto Rico | .6667 |
| Virgin Islands | .6667 |

Dated: May 16, 1968.

[SEAL] HAROLD HOWE II,
*U.S. Commissioner of Education.*

Approved: June 5, 1968.

WILBUR J. COHEN,
*Secretary of Health, Education, and Welfare.*

[F.R. Doc. 68-6914; Filed, June 11, 1968; 8:47 a.m.]

## Office of the Secretary

## FOOD AND DRUG ADMINISTRATION

### Statement of Organization, Functions, and Delegations of Authority

Part 10 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 6559) is hereby amended as follows:

In section 10-B *Organization and functions*, the statement for the Division of Pharmacology and Toxicology of the Bureau of Science is revised as follows:

*Division of Pharmacology and Toxicology.* Serves as an internationally recognized authority on the development of improved methods of testing of materials intended for use in man. Serves as a source of advice and consultation with respect to research and interpretation of scientific information in areas of pharmacology, toxicology, pathology, dermal toxicity, and food and drug radioactivity. Serves as a repository for extensive information and data in the above fields as they relate to food additives, pesticide chemicals, color additives, drugs, and hazardous substances. Establishes and operates a system for appraising on a continuing basis, the total insult to the human organism which may be expected from all allowed additives in food when combined with other insults in the environment (air pollutants, water pollutants, etc.). Recommends appropriate measures to limit or reduce the insult as necessary. Originates, plans and conducts far-reaching researches to elucidate the nature and properties of pharmacologically significant substances occurring in foods, drugs, cosmetics, colorants, and related commodities; to investigate the pharmacological and toxicological effects of these substances in biological and microbiological systems;

and to study the metabolic fate, the physiological and pathological response from such toxicants in various substrates as specified above. Conducts toxicological studies on various classes of pesticide chemicals, cosmetics, food additives, colorants, drugs, and hazardous substances to provide a foundation for evaluation associated with new proposals and petitions for their industrial use as well as for the review of current tolerances, modified tolerances, and applications. Reviews petitions on food additives, color additives and pesticides that are submitted by manufacturers or others with reference to toxicological safety based on experimental animal data and the potential and/or proposed uses of the product on the commercial market. Assists in the determination, modification and establishment of tolerances and standards of safety for products proposed, including consistency with currently established tolerances. Develops a program with respect to the review, collection and evaluation of scientific data directed toward the classification of substances which are or potentially fall within the scope of, and are subject to, the Federal Hazardous Substances Act. Devises and develops new methods for studying the biological activity of drugs, pesticide chemicals, colorants, cosmetics, food additives and hazardous substances which are of toxicological significance; investigates the mechanisms of the underlying biochemical reactions; adapts newer test systems, species and supportive physical instrumentation for elucidation of pharmacologic response. Investigates extensively the interaction of pesticide chemicals, drugs, food additives, and hazardous substances to ascertain the influence of each agent or chemical in the overall toxicological effect relevant to potentiation and/or synergism or inhibition. Designs and participates in collaborative studies to establish the reliability of new analytical and biological methods and to validate important discoveries in this area of competence; plans and monitors investigations in the clinical pharmacology of pesticides, food additives, and other assigned substances of pharmacological or toxicological significance.

Dated: June 4, 1968.

DONALD F. SIMPSON,
*Assistant Secretary for Administration.*

[F.R. Doc. 68-6922; Filed, June 11, 1968; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

## DAMON TRACT SITE

### Trespassing on Commission Property

The amended notice concerning unauthorized entry into or upon the Damon Tract Site of the Atomic Energy Commission dated October 6, 1967, appearing at page 14165 of the FEDERAL REGISTER of October 12, 1967 (32 F.R. 14165, F.R. Doc. 67-12023), is hereby further amended to read as follows:

Notice is hereby given that the Atomic Energy Commission, pursuant to section 229 of the Atomic Energy Act of 1954, as amended, as implemented by 10 CFR Part 160 published in the FEDERAL REGISTER on August 16, 1963 (28 F.R. 8400), prohibits the unauthorized entry, as provided in 10 CFR 160.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 160.4, into or upon the Damon Tract Site of the Atomic Energy Commission, said site being a tract of land containing approximately 25.64 acres located at Moanalua, Honolulu, Oahu, Hawaii, the aforesaid tract being more particularly described as follows:

Lot 36-A-3-C, area 0.020 acre, as shown on Map 286; Lot 36-A-1-A-2, area 8.442 acres, as shown on Map 299; Lot 36-A-2-A, area 13.358 acres, as shown on Map 308; and that portion of Lot 36-A-2-B, area 3.82 acres, as shown on Map 308 and particularly described as follows:

Beginning at the northwest corner of Lot 36-A-2-B at a 1-inch pipe in concrete; thence easterly at 99°03'20" for 262.50 feet; thence southerly at 189°03'20" for 237.24 feet; thence easterly at 99°03'20" for 240.12 feet; thence southerly 189°03'20" through Building No. 7 for 207.96 feet; thence westerly at 279°03'20" for 502.62 feet to an iron pipe set in concrete; thence northerly at 9°03'20" for 445.20 feet to the point of beginning.

Aforesaid maps filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1074 (amended) of the Trustees under the Will and of the Estate of Samuel M. Damon, deceased.

Notices stating the pertinent prohibitions of 10 CFR 160.3 and 160.4 and penalties of 10 CFR 160.5 will be posted at all entrances of said tract and at intervals along its perimeter as provided in 10 CFR 160.6.

Dated at Washington, D.C., this fifth day of June 1968.

R. E. HOLLINGSWORTH,
*General Manager.*

[F.R. Doc. 68-6868; Filed, June 11, 1968; 8:45 a.m.]

# CIVIL SERVICE COMMISSION

## DEPARTMENT OF STATE

### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the State Department to fill by noncareer executive assignment in the excepted service, the position of Deputy Legal Adviser, Office of the Legal Adviser.

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

[F.R. Doc. 68-6913; Filed, June 11, 1968; 8:47 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18206, 18207; FCC 68-603]

## FIRST ILLINOIS CABLE T.V., INC., ET AL.

### Memorandum Opinion and Order Instituting Hearing

In re petitions by First Illinois Cable T.V., Inc., Springfield, Jerome, Leland Grove, Southern View, and Grandview, Ill., Docket No. 18206, File No. CATV 100-31; Rantoul CATV Co., a corporation, Rantoul, Ill., and the adjacent unincorporated territory, Docket No. 18207, File No. CATV 100-42; Paxton Community Antenna System, Inc., Paxton, Ill., File No. CATV 100-69; Cable TV Co. of Illinois, Gibson City, Ill., File No. CATV 100-81; See-More TV Corp., Georgetown, Ill., File No. CATV 100-134; See-More TV Corp., Catlin, Ill., File No. CATV 100-267; Danville Community Antenna System, Inc., Danville, Ill., File No. CATV 100-294; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Springfield-Decatur-Champaign television market (ARB 72).

1. The Commission has before it for consideration the captioned petitions which request waiver of the hearing requirements of § 74.1107 of the rules to permit the importation of distant television signals to various Illinois communities by CATV systems in the Springfield-Decatur-Champaign television market, ranked 72d on the basis of a total net weekly circulation of 258,200. Channel assignments in the market and their status are:

*Springfield*—20 (NBC), 49 (CP for a 100-watt translator to provide CBS network programing),[1] 55 (Indep.—CP), and *65 (Idle);
*Decatur*—17 (ABC), and 23 (Idle);
*Champaign*—3 (CBS), 15 (NBC),[2] and a 100-watt translator for Channel 17 (ABC), Decatur;
*Urbana*—*12 (Educ.) and 27 (Idle);
*Danville*—68 (Idle).

2. The Springfield-Decatur-Champaign market, in the central sector of Illinois, is dispersed over an area about 165 miles from east to west and 80 miles in width. Springfield, in the west, is about 35 miles due west of Decatur, about 75 miles southwest of Champaign, and about 100 miles west and south of Danville. Decatur is about 40 miles west and south of Champaign. The ARB ranking of the market is determined by the net weekly circulation of Channel 3, WCIA, Champaign, the only VHF station operating or proposed for the market. Its predicted Grade A contour just encompasses Decatur, falls short of Danville, and lies about 30 miles short of Springfield (it

[1] The CP, owned by Midwest Television, Inc., for which a license application is pending, will translate Channel 3, Champaign.

[2] Channel 15, Champaign, has a dual identification with Danville and is a satellite of Channel 20, Springfield.

now has a CP for a 100 watt translator to provide CBS programing to that city).

3. The CATV proposals here involve 11 separate communities located in four counties (Sangamon, Champaign, Ford, and Vermilion).[3] Five of the communities are involved in the First Illinois proposal for Springfield and its suburbs, where it is proposed to add a distant independent and an educational signal to an operating system. Three communities (one about 14 miles and two about 25 miles north of Champaign) in Champaign and Ford counties, propose carriage, for the most part, of network signals from Terre Haute, Ind., and independent signals from Chicago. Finally, two communities in Vermilion County, about 30 miles southeast of Champaign, propose to carry distant signals, most of which are now carried on the operating system in nearby Danville, a third community which asks to carry a market signal which is distant.

4. The proposals and contentions in support and opposition are as follows:

(1) *Springfield and adjacent communities.* A. First Illinois Cable T.V. Inc. (CATV 100–31), since January 1967 has been serving Springfield (83,271), the capital of Illinois, and the adjacent communities of Jerome (1,666), Leland Grove (1,731), Southern View (1,485), and Grandview (2,214). Petitioner now carries:

LOCAL SIGNALS[4]

| Channels: | |
|---|---|
| 20 (NBC) | Springfield, Ill. |
| 17 (ABC) | Decatur, Ill. |
| 3 (CBS) | Champaign, Ill. |
| *12 (Educ.) | Urbana, Ill. |

and proposes:

DISTANT SIGNALS[5]

| Channels: | |
|---|---|
| *9 (Educ.) | St. Louis, Mo. |
| 11 (Indep.) | St. Louis, Mo. |

In support of its request, it claims: (1) Springfield should not be considered to be part of a top-100 television market. It is included only because ARB has ranked as 73d the complex of stations licensed to Springfield, Decatur, Champaign, and Danville. The market is over 100 miles long from Springfield in the west to Danville in the east. The market owes its rank to WCIA, Channel 3, Champaign, located about 75 miles east and north of Springfield; it is alleged that WCIA does not serve Springfield. Ranked on net weekly circulation, each of the other stations in the market would be below the top-100 markets; Springfield, so ranked, would constitute about the 120th market. (2) First Illinois believes that Channel 14, Jacksonville will have greater circulation in Springfield through the CATV system than by off-the-air reception because of the predicted nature of the signal. The station must rely principally on Springfield, for the other communities within its contours are all small and rural. The system will, therefore, aid UHF in the area. (3) The two St. Louis stations should be carried since their Grade B contours lie within 30 miles of Springfield and these signals will make the system economically viable. (4) Finally, the Commission should not abridge the contractual rights of the municipalities that have granted franchises to First Illinois.

Midwest Television, Inc., does not object to the operation of the system carrying a full range of network and locally originated area commercial television services, and educational stations, and the Jacksonville independent station. The only signals in question are the St. Louis independent and educational stations. Midwest states that Springfield is integrated into the market and is, in fact, served by WCIA's programing and contends that importation of distant independent and educational signals will fragment the Springfield audience for independent programing and divert potential viewers from the Jacksonville permittee. It also asserts that the terms of First Illinois' franchises were entered into with notice of the likelihood of Commission regulation and create no equities for the communities or petitioner. Finally, Midwest argues that the fragmentation of audience resulting from the distant signals would weaken existing market stations and discourage improvements in existing service and the institution of new UHF stations; that stations in the market must, because of the rural nature of the market, depend upon all of area of the market.[6]

WGNB, Inc., permittee of Channel 43, Bloomington, and WAND Television, Inc., licensee of Channel 17, Decatur, support the petition, as does Moyer TV Corp., permittee of Channel 14, Jacksonville. The permittee of Channel 55, Springfield, does not object to the proposal.

(2) *Rantoul, Paxton, and Gibson City, north of Champaign.* A. Rantoul CATV Co. (CATV 100–42) proposes to operate in the village of Rantoul (22,116), Champaign County, and the unincorporated territory adjacent to the village.[7] Rantoul is located about 14 miles north of Champaign-Urbana, 35 miles northwest of Danville, 54 miles northeast of Decatur, and 85 miles northeast of Springfield. Proposing a 12-channel system (including weather and news channels), it would carry:

LOCAL SIGNALS

| Channels: | |
|---|---|
| 3 (CBS) | Champaign, Ill. |
| 15 (NBC) | Do. |
| *12 (Educ.) | Urbana, Ill. |
| 17 (ABC) | Decatur, Ill. |

DISTANT SIGNALS

| Channels: | |
|---|---|
| 2 (NBC) | Terre Haute |
| 10 (ABC/CBS) | Do. |
| 9 (Indep.) | Chicago |
| 11 (Indep.) | St. Louis |

Petitioner contends that Rantoul's inclusion in a top-100 market is inequitable because it has no community of interest with nor does it have adequate television service from the market.[8] It is also asserted that the system would aid UHF and would provide assistance in the national defense since Chanute AFB is part of the village.

Oppositions have been filed by Midwest and Plains, advancing, in substance, the same arguments as were raised to the Springfield proposal.

B. Paxton Community Antenna System, Inc. (CATV 100–69) would serve the city of Paxton (4,370), Ford County. Paxton is about 25 miles north of Champaign-Urbana; 34 miles northwest of Danville; 94 miles northeast of Springfield; and 62 miles northeast of Decatur. The system will carry the following local signals:

| Channels: | |
|---|---|
| 3 (CBS) | Champaign |
| 15 (NBC) | Do. |
| *12 (Educ.) | Urbana |
| 17 (ABC) | Decatur |

and proposes the following distant signals:

| Channels: | |
|---|---|
| 5 (NBC) | Chicago, Ill. |
| 7 (ABC) | Do. |
| 9 (Indep.) | Do. |
| *11 (Educ.) | Do. |
| 32 (Indep.) | Do. |
| 2 (NBC) and two IMPATI educational signals.[9] | Terre Haute, Ind., |

In support of its request for Waiver, petitioner claims: (1) Paxton's total

[3] General Electric Cablevision Corp. has a proposal to operate a system at Decatur, Ill., carrying local and distant signals (CATV 100–64). Counsel for GE has requested that the Commission withhold action on its proposal so that it may have an opportunity to comply with pleading guidelines set forth in recent court and Commission decisions. Midwest objects to this request and asks the Commission to dismiss GE's pending petition (which it alleges only asks for a hearing) in the event GE files a petition requesting waiver of § 74.1107. This order does not dispose of GE's pending petition nor take other action respecting this matter. When the pleadings have been filed, further consideration will be afforded the various contentions.

[4] First Illinois proposes to carry as a local independent signal Channel 14, Jacksonville, Ill., located about 30 miles west of Springfield, when it goes on the air. It will also carry Channel 43 (CP—Indep.), Bloomington, Ill., if it is a local signal. At the time of filing this petition, Channel 55, Springfield, was unoccupied.

[5] First Illinois' original petition proposed the following distant signals: Channels 9, 11, 20, 26, and 32, all Chicago, and 11, St. Louis. It amended its proposal by deleting the Chicago signals and adding the St. Louis educational signal.

[6] Plains Television Corp., licensee of WICS, Channel 20, Springfield, filed an opposition similar to Midwest's. Subsequently, Plains withdrew its opposition pursuant to an option agreement by which Plains can acquire up to 50 percent of First Illinois.

[7] Petitioner does not further identify the area said to be unincorporated. Midwest alleges that the system does not have a franchise for an unincorporated area adjacent to the village. Midwest also questions Rantoul's authority to serve Chanute Air Force Base.

[8] Petitioner asserted that an adequate signal is received only from Channel 3, Champaign. Subsequently, the other market stations mentioned have improved their signals so that they now place a predicted Grade B or better signal over the city.

[9] IMPATI will soon cease broadcasting and will, therefore, not be carried.

population constitutes a minute percentage of the viewing audience in the market; (2) because of its distance from the major cities of this market (and from neighboring television markets), Paxton is relatively insulated from metropolitan influences in the television market; (3) the system is Paxton—and only Paxton—oriented; (4) Petitioner's development of the system before 1966 creates equities in its favor: After grant of the franchise in July 1964, engineering for installation of the system was completed and a contract signed in December 1965; real estate was leased in November 1965 for the tower, after FAA approval; at the time Paxton had spent $34,000 on its proposal and committed nearly $100,000 additional; (5) the prospective service would be uniquely diverse; and (6) the facilities will not be used for pay television purposes.

Oppositions have been filed by Midwest and Plains. They are similar to those which they filed with respect to other proposals in the market. Television Chicago, A Joint Venture, licensee of Channel 32 (Indep., Station WFLD), Chicago, filed an informal objection by letter stating that it had not authorized Paxton to carry its signal and asks that the proposal be set for hearing. Television Chicago believes that the proposal will affect its interest as a program supplier for independent Us and that harm to it will adversely affect the independent Us.

C. Cable TV Co. of Illinois (CATV 100–81) would operate a system at Gibson City (3,453), Ford County (16,606). Gibson City is about 12 miles west of Paxton and 25 miles north of Champaign. It will carry the local signals of:

| Channels: | |
|---|---|
| 3 (CBS) | Champaign |
| 15 (NBC) | Do. |
| *12 (Educ.) | Urbana |
| 17 (ABC) | Decatur |

and proposes the following distant signals: [10]

| Channels: | |
|---|---|
| 7 (ABC) | Chicago, Ill. |
| 9 (Indep.) | Do. |
| *11 (Educ.) | Do. |
| 26 (Indep.) | Do. |
| 32 (Indep.) | Do. |
| 25 (NBC) | Peoria, Ill. |

In support of its request it is claimed: (1) The CATV system would bring to Gibson City its first independent commercial television service; (2) the city is as closely associated with Chicago and Peoria (on a geographic, economic, social, and cultural basis) as it is with the Champaign-Springfield-Decatur market; (3) the system would not jeopardize the healthy maintenance of UHF service in the area, or the development of new services. Past television experience in the market indicates that full-fledged local, independent television stations are not likely to commence operation on any of the vacant channels; and petitioner's system potential is so small that it would not adversely affect UHF developments; (4) distant signal service is already available in many communities in the market; and (5) § 74.1107 is an unlawful modification of the cable TV's license.

Midwest and Plains have opposed this proposal, as they have the preceding proposals. As in Paxton, Television Chicago has filed an informal objection.

(3) *Georgetown, Catlin, and Danville; eastern part of market.* A. Danville Community Antenna System (CATV 100–294) has been operating a system at Danville (41,856) distributing the following signals which it states are grandfathered:

| Channels: | |
|---|---|
| 3 (CBS) | Champaign |
| 15 (NBC) | Champaign-Decatur |
| *12 (Educ.) | Urbana |
| 9 (Indep.) | Chicago [11] |
| 4 (Indep.) | Bloomington, Ind. |
| 6 (NBC) | Do. |
| 13 (ABC) | Indianapolis, Ind. |
| 10 (ABC/CBS) | Terre Haute, Ind. |

It desires to carry the distant signal of channel 17 (ABC), Decatur.

In support of its request petitioner claims: (1) Channel 17's predicted Grade B contour is less than 5 miles from the city limits; (2) it would be anomalous to require Danville to carry the CBS and NBC affiliates in the television market, but refuse to allow carriage of the ABC affiliate in the same market; and (3) its carriage would tend to equalize competition among stations in the market. Midwest does not oppose this waiver application, but states that to equalize market competition the waiver should be conditioned on the system's willingness to provide nonduplication treatment to all market stations, including specifically WCIA and WAND. Danville opposes this request.[12]

B. and C. See-More TV Corp. (CATV 100–134) plans to serve Georgetown (3,544), located about 10 miles south of Danville and (CATV 100–267) Catlin (1,263), about 7 miles northwest of Georgetown. These communities are about 30 miles southeast of Champaign, 70 miles east of Decatur, and 110 miles east of Springfield. Both systems propose to transmit the following signals:

| Local | |
|---|---|
| Channels: | |
| 3 (CBS) | Champaign |
| 15 (NBC) | Do. |
| *12 (Educ.) | Urbana |
| 10 (ABC/CBS) | Terre Haute, Ind. |
| 2 (NBC) | Do. |

| Distant | |
|---|---|
| Channels: | |
| 6 (NBC) | Indianapolis, Ind. |
| 3 (CBS) | Do. |
| 13 (ABC) | Do. |
| 4 (Indep.) | Bloomington |
| 9 (Indep.) | Chicago |
| 72 and 76 (Educ.) | |
| IMPATI [13] | |

Waiver of hearing is requested for the following reasons: (1) These communities are in a top-100 market only because ARB has combined the operations of stations across Illinois with a "chain market" and attributed to the market the net weekly circulation of WCIA, the only VHF station in the market. Neither community is within the Grade A of WCIA. They are within the Grade A of Channel 15, Champaign, which, if ranked on its own net weekly circulation, would not be a top-100 market. (2) Both communities, located on the periphery of the market, represent an insignificant part of the total television homes in the market and thus would have no adverse impact on the market stations. (3) The systems will provide a wide diversity of programing. (4) A hearing will place a severe economic strain on small systems such as these.

Midwest opposes both petitions. Plains filed a letter asking that, if the Georgetown proposal is designated for hearing, it be named as a party.

5. Midwest, in commenting on the CATV activity in the market and its effect upon market television stations, argues that there are more than 40 CATV systems operating, franchised, or applied for within its market area which would seriously threaten UHF potential. As of January 1967, there were 10 operating systems within the composite Grade A contour (the area here relevant) of the market. The approximate number of subscribers to the systems was 12,000 (of which about one-half subscribe to the grandfathered Danville system), or slightly more than 4 percent of the television homes in that area; we do not believe that this would materially affect the market stations. In assessing the impact of CATV upon station operations, we have reviewed the overall financial situation of the stations in the market over the past several years and are unable to find that CATV activity in the market has had an adverse impact upon the commercial stations, either VHF or UHF.

6. In view of the above factors and the other considerations discussed below, the CATV proposals will be disposed of in the following fashion.

(A) These proposals are to operate in or near two of the principal cities in the market. Additionally, Rantoul is a substantial city located near Champaign and all of the communities involved are located in those parts of the market on which independent UHF stations would be most likely to depend for revenues. We are unable to make the necessary judgments on the basis of the pleadings and will, therefore, designate these matters for full evidentiary hearing. Since

[10] Cable TV did not include Channel 43, Bloomington in the list of stations it proposes to carry. However, in its pleadings, it states that it intends to carry the channel when it commences operating. According to its CP, the station's proposed Grade B contour would fall short of Gibson City.

[11] Whether this signal is "grandfathered" on the Danville system is the primary issue to be determined in In re Video Service Co., 5 FCC 2d 80 (1966) (Docket No. 16865).

[12] On June 12, 1967, Midwest filed its petition for special relief under § 74.1109 of the rules requesting that Danville and See-More TV Corp., Westville, Ill., provide same day nonduplication protection for WCIA as against WTHI–TV, Channel 10, Terre Haute. Responsive pleadings have been filed. This matter is not ripe for disposition at this time.

[13] See footnote 9, supra.

it is not clear whether Rantoul has authority to operate other than in the village of Rantoul, this question will also be considered under issue 2.

(C) and (D) *Paxton Community Antenna System and Cable TV Co. of Illinois.* These proposals are to serve two small communities about 25 miles north of Champaign. They propose to import Chicago network and independent stations and an educational station. Paxton would also bring in a Terre Haute network station and IMPATI;[14] and Cable TV, a Peoria network station. No objection has been made to the carriage of the Chicago educational station nor to IMPATI.[14] Waiver to permit carriage of these stations would be consistent with our policy of encouraging a greater dissemination of educational programing. The cumulative effect of the grant of these proposed waivers (assuming the same action for all other communities similarly situated) would leave about 91 percent of all television homes in this market unavailable to CATV. The maximum cumulative effect which could conceivably result from this action, about 8.7 percent, does not support a judgment of adverse impact.[15] For the same reasons, WFLD's objections are denied. Waiver will therefore be granted.

(E) *Danville Community Antenna System.* The requested waiver by Danville to carry on its operating system the distant market network signal from Decatur will be granted. There is no objection to the requested waiver and the predicted Grade B signal of the station is available a few miles from the city of Danville. Midwest's petition for special relief to provide program exclusivity to all market stations, including distant stations, will be disposed of when it is ready for action.

(F) and (G) *See-More TV Corp.* See-More's proposals for Georgetown and Catlin, small communities near Danville and about 30 miles from Champaign, are identical: To carry the local market signals and local Terre Haute signals; and the distant Indianapolis network stations, independent stations from Bloomington and Chicago, and two IMPTAI signals.[14] Except for the Indianapolis CBS affiliate, all of the distant signals have been distributed on the Danville system, since August, 1965. Only Midwest opposes these proposals. We have considered the fact that there are no applications for any independent UHF allocation in the market, except for Channel 55, Springfield, about 100 miles to the west. Because of the small size of the communities and the fact that they are located over 30 miles from the Champaign-Urbana area, the economic center of the market, it appears that the systems would have little or no impact upon UHF development in the market and waiver is appropriate.

*Accordingly, it is ordered,* That the provisions of § 74.1107 of the rules are waived and the systems at Paxton, Gibson City, Danville, Georgetown, and Catlin are authorized to carry the distant signals as proposed, subject to the applicable provisions of § 74.1103 of the rules.

*It is further ordered,* That the requests of First Illinois Cable TV, Inc. and of Rantoul CATV Co. for waiver of the hearing provisions of § 74.1107 of the Rules are denied; and pursuant to sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, and § 74.1107 of the Commission's rules, a hearing is ordered as to said matters on the following issues:

(1) To determine the present and proposed penetration and extent of CATV service in the Springfield-Decatur-Champaign market.

(2) To determine the effects of current and proposed CATV service in the Springfield-Decatur-Champaign market upon existing, proposed and potential television broadcast stations in the market.

(3) To determine (a) the present policy and proposed future plans of petitioner with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (b) the potential for such services; and (c) the impact of such services upon television broadcast stations in the market.

(4) To determine in light of the above whether the proposal is consistent with the public interest.

First Illinois Cable TV, Inc., Rantoul CATV Co., Midwest Television, Inc., and Plains 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 proof is upon the petitioners. A time and place for the hearing will be specified in another order.

Adopted: June 5, 1968.

Released: June 10, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[16]
[SEAL] BEN F. WAPLE,
*Secretary.*

[F.R. Doc. 68-6909; Filed, June 11, 1968; 8:47 a.m.]

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[Docket Nos. 18005, 18006; FCC 68M-888]

## WMID, INC., AND ATLANTIC CITY BROADCASTING CO.

### Order Continuing Hearing

In re applications of WMID, Inc., Pleasantville, N.J., Docket No. 18005, File No. BPH-5958; Leroy Bremmer and Dorothy Bremmer doing business as Atlantic City Broadcasting Co., Pleasantville, N.J., Docket No. 18006, File No. BPH-6060; for construction permits.

Because of conflict in the Examiner's calendar and with the understanding that the extension is not objected to by the parties, on the Examiner's own motion: *It is ordered,* That the hearing now scheduled for 10 a.m. June 24 is continued to 10 a.m. July 1, 1968.

Issued: June 6, 1968.

Released: June 6, 1968.

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

[F.R. Doc. 68-6910; Filed, June 11, 1968; 8:47 a.m.]

# FEDERAL MARITIME COMMISSION

## AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. P. J. Warmstein, Manager-Conferences & Tariffs, American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N. Y. 10004.

Agreement No. 9726, between American Export Isbrandtsen Lines, Inc., Hamburg-Amerika Linie and Norddeutscher Lloyd provides for conference and discussion by the parties on rates, charges, classifications, practices and related tariff matter in the Continental Eastbound trade.

Consistent with their obligations under any other approved agreements, (1) the parties may agree on various rates, charges, classifications, practices and tariffs to be observed in this trade, but each party reserves the right to alter for itself any rate, charge, classification, practice or related tariff matter thus agreed upon or about which there is no agreement, and (2) each party may separately maintain and file its own tariff with the Commission pursuant to section 18(b) of the Shipping Act, 1916. Provision is made for termination of the subject agreement by one party giving 30

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[14] See footnote 9, supra.

[15] Clinton TV Cable Co., Inc., FCC 68-172, 11 FCC 2d 704.

[16] Commissioner Bartley absent; Commissioner Cox concurring in part and dissenting in part and issuing a statement filed as part of the original document; Commissioner Loevinger concurring in the result except as to the action relative to Springfield, Ill.

days' written notice to the other parties thereto.

Dated: June 7, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 68-6886; Filed, June 11, 1968; 8:46 a.m.]

## CITY OF NEW YORK AND AMBROSE MARINE TERMINAL CORP.

### Notice of Termination of Agreement

On February 17, 1967, the Federal Maritime Commission approved Agreement No. T-2017 between the City of New York and Ambrose Marine Terminal Corp. providing for the construction and lease of a marine terminal on Staten Island, Borough of Richmond, N.Y. The lease contained a provision which allowed the parties to terminate the agreement should estimated construction costs exceed the sum of $22 million. It has now been determined that construction costs will exceed this figure and the parties, accordingly, have agreed to terminate Agreement No. T-2017.

Dated: June 7, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 68-6887; Filed, June 11, 1968; 8:46 a.m.]

## PACIFIC COAST EUROPEAN CONFERENCE

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. David Lindstedt, Chairman, Pacific Coast European Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement Number 5200-24, between the member lines of the Pacific Coast European Conference, modifies the basic agreement to increase the admission fee to Conference membership from $1,000 to $5,000.

Dated: June 5, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 68-6866; Filed, June 11, 1968; 8:45 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-4579, etc.]

## CITIES SERVICE OIL CO. ET AL.

### Findings and Order

MAY 31, 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, substituting respondent, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings 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 sale from the Permian Basin area of Texas is authorized to be made at the applicable area base rate and under the conditions prescribed in opinion Nos. 468 and 468-A.

Brammer Engineering Co., agent (Operator) et al., Applicant in Docket No. G-7099, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Franks Petroleum, agent (Operator) et al., FPC Gas Rate Schedule No. 3. Said rate schedule will be redesignated as that of Applicant. Franks has filed a notice of change in rate under said rate schedule, which change is suspended in Docket No. RI67-435. Therefore, Applicant will be substituted as respondent in Docket No. RI67-435, and the proceeding will be redesignated accordingly.

Herman George Kaiser (Operator) et al., Applicant in Docket No. G-11853, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Shell Oil Co. FPC Gas Rate Schedule No. 152. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-301, and Shell has collected an increased rate under said rate schedule for a locked-in period subject to refund in Docket No. RI65-475. Applicant has filed motions to be made co-respondent in said proceedings, together with agreements and undertakings to assure the refund 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 co-respondent in said proceedings; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

American Petrofina Company of Texas (Operator) et al., Applicant in Docket No. CI68-1169, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-6559 to be made pursuant to Ralph E. Fair (Operator) et al., FPC Gas Rate Schedule No. 2. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI60-295. Therefore, Applicant will be made co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 28, 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 subsection (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. CI68–1150 and CI68–1189 should be canceled and that the applications filed therein should be processed as petitions to amend the certificates heretofore issued in Docket Nos. G–5524 and CI68–731, 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 the following dockets should be amended as hereinafter ordered and conditioned:

| | | |
|---|---|---|
| G–4579 | G–17246 | CI65–406 |
| G–5524 | G–17248 | CI65–1159 |
| G–7099 | G–18235 | CI66–470 |
| G–8124 | CI60–355 | CI66–600 |
| G–10890 | CI62–871 | CI67–167 |
| G–11122 | CI64–47 | CI67–693 |
| G–11853 | CI64–1095 | CI67–1085 |
| G–11864 | CI64–1097 | CI68–731 |
| G–13634 | CI64–1099 | CI68–853 |
| G–16093 | CI65–146 | |

(7) 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–4579 | CI68–1184 |
| G–6559 | CI68–1169 |
| CI64–644 | CI68–1167 |
| CI64–1113 | CI64–1095 |
| CI64–1113 | CI64–1097 |
| CI64–1113 | CI64–1099 |
| CI64–1498 | CI68–1117 |

(8) 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.

(9) 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.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Brammer Engineering Co., agent (Operator) et al., should be substituted in lieu of Franks Petroleum, agent (Operator) et al., as respondent in the proceeding pending in Docket No. RI 67–435 and that the proceeding should be redesignated accordingly.

(11) 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 co-respondent in the proceeding pending in Docket Nos. RI65–475 and RI67–301, that said proceedings should be redesignated accordingly, and that the agreements and undertakings submitted by him in said proceedings should be accepted for filing.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that American Petrofina Company of Texas (Operator) et al., should be made co-respondent in the proceeding pending in Docket No. RI60–295, that said proceeding should be redesignated accordingly, and that American Petrofina should be required to file an agreement and undertaking in said proceeding.

(13) 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 8 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI68–872 shall be the applicable base area rate prescribed in opinion No. 468, as modified by opinion No. 468–A, as adjusted for quality, or the contract rate, whichever is lower.

(F) If the quality of the gas delivered by Applicant in Docket No. CI68–872 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 a notice of change in rate.

(G) Within 90 days from the date of initial delivery Applicant in Docket No. CI68–872 shall file a rate schedule quality statement in the form prescribed in opinion No. 468–A.

(H) In the event Applicant in Docket No. CI68–872 exercises its option to process the gas under section 3, Article II of its rate schedule, it shall submit to the Commission for acceptance, at least 30 days prior to the commencement of such processing, a rate schedule supplement setting forth the conditions and details of the contemplated action.

(I) The certificates issued herein in Docket Nos. CI68–872 and CI68–995 and the amended certificate in Docket No. G–18235 are 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 initial rate for the sale authorized in Docket No. CI68–1021 shall

be 15 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, subject to 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, Applicant thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(K) Docket Nos. CI68–1150 and CI68–1189 are canceled.

(L) The certificates heretofore issued in Docket Nos. G–4579, G–11122, G–11864, G–13634, G–16093, G–17246, G–17248, G–18235, CI60–355, CI64–1095, CI64–1097, CI64–1099, CI65–406, CI65–1159, CI66–470, CI67–693, CI67–1085, CI68–731, and CI68–853 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.

(M) The certificate heretofore issued in Docket No. CI64–47 is amended by deleting therefrom authorization to sell natural gas pursuant to the rate schedule supplement as indicated in the tabulation herein, and Applicant shall not be relieved of any refund obligation which may be imposed in the related rate suspension proceeding pending in Docket No. RI65–151 insofar as it pertains to the acreage being released.

(N) 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–4579 | CI68–1184 |
| G–6559 | CI68–1169 |
| CI64–644 | CI68–1167 |
| CI64–1113 | CI64–1095 |
| CI64–1113 | CI64–1097 |
| CI64–1113 | CI64–1099 |
| CI64–1498 | CI68–1117 |

(O) The certificates heretofore issued in Docket Nos. G–7099 and G–10890 are amended to reflect the change in operator from Franks Petroleum, agent (Operator) et al., to Brammer Engineering Co., agent (Operator) et al., as indicated in the tabulation herein.

(P) The certificates heretofore issued in Docket Nos. G–5524, G–8124, G–11853, CI62–871, CI65–146, CI66–600, and CI67–167 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(Q) 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.

(R) Permission for and approval of the abandonments in Docket Nos. CI68–1114 and CI68–1186 shall not be construed to relieve Applicants of any refund obligations which may be ordered in the related rate suspension proceedings pending in Docket Nos. RI60–197 and RI65–400, respectively.

(S) The certificate heretofore issued in Docket No. G–4820 is terminated only insofar as it pertains to Texaco, Inc., FPC Gas Rate Schedule No. 92.

(T) The certificates heretofore issued in Docket Nos. G–3662, G–4009, G–8831, G–11478, CI63–409, CI63–472, CI64–199, CI64–1032, and CI68–210 are terminated.

(U) Brammer Engineering Co., agent (Operator) et al., is substituted in lieu of Franks Petroleum, agent (Operator) et al., as respondent in the proceeding pending in Docket No. RI67–435, and the proceeding as redesignated accordingly.[1]

(V) Herman George Kaiser (Operator) et al., is made co-respondent in the proceedings pending in Docket Nos. RI65–475 and RI67–301; the proceeding in Docket No. RI67–301 is redesignated accordingly[2]; and the agreements and undertakings submitted by Applicant in said proceedings with respect to sales made pursuant to his FPC Gas Rate Schedule No. 10[3] are accepted for filing.

(W) 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. RI65–475 and RI67–301 shall remain in full force and effect until discharged by the Commission.

(X) American Petrofina Company of Texas (Operator) et al., is made co-respondent in the proceeding pending in Docket No. RI60–295, and said proceeding is redesignated accordingly.[4]

(Y) Within 30 days from the issuance of this order, American Petrofina Company of Texas (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. RI60–295 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(Z) American Petrofina Company of Texas (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 agreement and undertaking filed by it in Docket No. RI60–295 shall remain in full force and effect until discharged by the Commission.

(AA) 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.*

[1] Brammer Engineering Co., agent (Operator) et al.

[2] Shell Oil Co. and Herman George Kaiser (Operator) et al. Herman George Kaiser (Operator) et al., is already designated as a respondent in the proceeding pending in Docket No. RI65–475.

[3] Heretofore designated as Shell Oil Co. FPC Gas Rate Schedule No. 152.

[4] Ralph E. Fair (Operator) et al., and American Petrofina Company of Texas (Operator) et al.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G–4579<br>D 4–10–68 | Cities Service Oil Co. | Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney County, Kans. | Notice of partial cancellation 4–8–68.[1 2] | 108 | 2 |
| G–7099<br>3–18–68[2] | Brammer Engineering Co., agent (Operator) et al. (successor to Franks Petroleum, agent (Operator) et al.). | Tennessee Gas Pipeline Co., a division of Tenneco, Inc., South Hallsville Field, Panola County, Tex. | Franks Petroleum, agent (Operator) et al., FPC GRS No. 3. | 1 | ---- |
| | | | Supplement Nos. 1–7 | 1 | 1–7 |
| | | | Notice of succession 3–12–68. | ---- | ---- |
| | | | Effective date: 1–1–68 | ---- | ---- |
| G–8124<br>E 3–7–68 | Foster T Corp. (Operator) et al. (successor to T. Jack Foster (Operator) et al.). | El Paso Natural Gas Co., Pictured Cliffs Formation, Rio Arriba County, N. Mex. | T. Jack Foster (Operator) et al., FPC GRS No. 1. | 1 | ---- |
| | | | Supplement Nos. 1–9 | 1 | 1–9 |
| | | | Notice of succession 3–4–68. | ---- | ---- |
| | | | Assignment 11–24–67[4] | 1 | 10 |
| | | | Effective date: 2–1–68 | ---- | ---- |
| G–10890<br>3–18–68[3] | Brammer Engineering Co., agent (Operator) et al. (successor to Franks Petroleum, agent (Operator) et al.). | United Gas Pipe Line Co., Bethany Field, Panola and Harrison Counties, Tex. | Franks Petroleum, agent (Operator) et al., FPC GRS No. 4. | 2 | ---- |
| | | | Supplement Nos. 1–7 | 2 | 1–7 |
| | | | Notice of succession 3–12–68. | ---- | ---- |
| | | | Effective date: 1–1–68 | ---- | ---- |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| G–11122<br>C 6–20–60 | Sunray DX Oil Co. | Colorado Interstate Gas Co., Laverne Field, Harper County, Okla. | Amendment 5–19–60 [5] | 138 | 3 |
| G–11853<br>E 4–1–68 | Herman George Kaiser (Operator) et al. (successor to Shell Oil Co.). | Northern Natural Gas Co., Farnsworth Field, Ochiltree County, Tex. | Shell Oil Co., FPC GRS No. 152. | 10 | |
| | | | Supplement Nos. 1–5 | 10 | 1–5 |
| | | | Notice of succession (Undated). | | |
| | | | Conveyance 2–29–68 [6] | 10 | 6 |
| | | | Effective date: 3–1–68 | | |
| G–11864<br>D 4–4–68 | Mobil Oil Corp. | Lone Star Gas Co., Doyle Field, Stephens County, Okla. | Notice of partial cancellation 4–2–68.[2 7] | 8 | 9 |
| G–13634<br>C 3–29–68 [8] | Sunray DX Oil Co. | Northern Natural Gas Co., Northwest Dower Unit, Beaver County, Okla. | Amendatory agreement 1–2–68.[9 10] | 152 | 11 |
| G–16093<br>D 4–4–68 | Gulf Oil Corp. | Transwestern Pipeline Co., Southeast Gage Field, Woodward County, Okla. | Letter agreement 2–20–68.[2 11] | 370 | 13 |
| G–17246<br>D 3–27–68 | Mobil Oil Corp. (Operator) et al. | Sinclair Oil & Gas Co., Abell Field, Pecos County, Tex. | Letter agreement 9–6–67.[2 12] | 197 | 9 |
| G–17248<br>D 3–27–68 | do | do | Notice of partial cancellation 3–25–68.[1 2] | 193 | 5 |
| G–18235<br>C 2–21–68 [8] | Cities Service Oil Co. (Operator) et al.[13] | Transwestern Pipeline Co., acreage in Hemphill County, Tex. | Letter agreement 2–1–68.[10] | 137 | 7 |
| CI60–355<br>D 4–1–68 | The Estate of G. H. Vaughn, Jr., deceased and Jack C. Vaughn (Operators) et al. | Texas Gas Transmission Corp., West Lisbon Field, Claiborne Parish, La. | Notice of partial cancellation 3–29–68.[2 7] | 6 | 9 |
| CI62–871<br>E 3–25–68 | Phil W. Phillips (successor to May Petroleum, Inc.). | Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla. | May Petroleum, Inc., FPC GRS No. 13. | 4 | |
| | | | Supplement Nos. 1–2 | 4 | 1–2 |
| | | | Notice of succession 3–22–68. | | |
| | | | Assignment 1–1–68 [14] | 4 | 3 |
| | | | Effective date: 1–1–68 | | |
| CI64–47<br>D 4–8–58 | Gulf Oil Corp. | Cities Service Gas Co., Northwest Quinlan Field, Woodward County, Okla. | Notice of partial cancellation 4–4–68 [1 2] | [15] 253 | 2 |
| F CI64–1095<br>(CI64–1113)<br>C 3–14–68 | Champlin Petroleum Co. | Mountain Fuel Supply Co., Little Snake Unit Area, Moffat County, Colo. and Sweetwater County, Wyo. | Assignments 1–25–65 [16] | 96 | 1 |
| | | | Effective date: 5–1–65 | | |
| F CI64–1097<br>(CI64–1113)<br>C 3–14–68 | Husky Oil Co. | do | Assignments 1–25–65 [17] | 12 | 2 |
| | | | Effective date: 5–1–65 | | |
| F CI64–1099<br>(CI64–1113)<br>C 3–18–68 | Union Oil Company of California. | do | Assignments 1–25–65 [18] | 88 | 1 |
| | | | Effective date; 5–1–65 | | |
| CI65–146<br>E 2–5–68 | George Mitchell & Associates, Inc., agent for Mitchell & Mitchell Properties, Inc. (Operator) et al. (successor to Coke L. Gage (Operator) et al.). | Natural Gas Pipeline Co. of America, acreage in Wise County, Tex. | Coke L. Gage (Operator) et al., FPC GRS No. 1. | 32 | |
| | | | Supplement No. 1 | 32 | 1 |
| | | | Notice of succession 2–1–68. | | |
| | | | Assignment 7–27–67 [19] | 32 | 2 |
| | | | Assignment 2–15–68.[19 20] | 32 | 3 |
| | | | Effective date: 6–1–67 | | |
| CI65–406<br>D 4–4–68 | Gulf Oil Corp. (Operator) et al. | Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla. | Notice of partial cancellation 4–2–68.[1 2] | 250 | 2 |
| CI65–1159<br>C 4–4–68 [8] | Tenneco Oil Co. et al. | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | Supplemental agreement 2–29–68.[10] | 176 | 15 |
| CI66–470<br>C 4–4–68 [8] | Sunray DX Oil Co. | Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla. | Amendment 3–4–68 [10] | 259 | 5 |
| CI66–600<br>E 3–6–68 | Sabine Oil Industries, Inc. (successor to Southwest Oil Industries, Inc.). | El Paso Natural Gas Co., Mocane Laverne Field, Beaver County, Okla. | Southwest Oil Industries, Inc., FPC GRS No. 3. | 3 | |
| | | | Supplement Nos. 1–8 | 3 | 1–8 |
| | | | Notice of succession 3–4–68. | | |
| | | | Assignment 8–2–67 [21] | 3 | 9 |
| | | | Effective date: 8–2–67 | | |
| CI67–167<br>E 3–29–68 | Reading & Bates Production Co. (Operator) et al. (successor to Goff Oil Co. (Opertor) et al.). | Northern Natural Gas Co., Northeast Harmon Field, Woodward County, Okla. | Goff Oil Co. (Operator) et al., FPC GRS No. 3. | 3 | |
| | | | Notice of succession (Undated).[22] | | |
| | | | Effective date: 8–17–66 | | |
| CI67–693<br>C 3–13–68 [8] | John E. Schalk et al. | El Paso Natural Gas Co., Ballard Pictured Cliffs (Cinco Diablo No. 6) Rio Arriba County, N. Mex. | Assignment 12–18–67 [23] | 1 | 1 |
| | | | Supplemental agreement 1–2–68. [10 24] | 1 | 2 |
| CI67–1085<br>C 4–4–68 [8] | Sunray DX Oil Co. | Oklahoma Natural Gas Gathering Corp.,[25] Ringwood Field, Major County, Okla. | Amendatory agreement 1–31–68.[10] | 274 | 4 |
| CI68–853<br>C 3–29–68 [8] | Thomas H. Harrington. | El Paso Natural Gas Co., Mesa Verde Field, Rio Arriba County, N. Mex. | Supplemental agreement 3–18–68.[10] | 1 | 1 |
| CI68–872<br>A 1–12–68 | Gulf Oil Corp.[26] | Northern Natural Gas Co., Northeast Oates Field, Pecos County, Tex. | Contract 12–6–67 [10] | 396 | |
| CI68–995<br>A 2–16–68 [8] | Samedan Oil Corp. et al. | Panhandle Eastern Pipe Line Co., Feldman (Upper Morrow) Field, Hemphill County, Tex. | Contract 12–14–67 | 26 | |
| | | | Compliance 4–1–68 [27] | 26 | 1 |
| CI68–996<br>A 2–16–68 [8] | Humble Oil & Refining Co. | Texas Gas Transmission Corp. East Lake Palourde Field, Assumption and St. Martin Parishes, La. | Contract 2–1–68 [28] | 441 | |
| | | | Letter 4–10–68 [10 29] | 441 | 1 |
| CI68–1002<br>A 2–19–68 [8] | Dorchester Gas Producing Co. | Humble Gas Transmission Co. Carthage Point Field, Adams County, Miss. | Contract 2–9–68 [10] | 8 | |
| CI68–1021<br>A 2–23–68 [8] | Ozark-Mahoning Co. | Michigan Wisconsin Pipe Line Co. Woodward Area, Major County, Okla. | Contract 1–30–68 | 11 | |
| | | | Compliance 4–2–68 [30] | 11 | 1 |
| CI68–1114<br>(G–4009)<br>B 3–15–68 | Jay Simmons et al. | El Paso Natural Gas Co. Lamar Lunt Lease, Lea County, N. Mex. | Notice of cancellation 3–14–68. [12] | [31] 1 | 7 |
| A CI68–1117<br>(CI64–1498)<br>F 3–13–68 [32] | Lario Oil & Gas Co. (successor to Chevron Oil Co. (Western Division)). | Kansas-Nebraska Natural Gas Co., Inc, Waltman Field, Natrona County, Wyo. | Contract 5–6–64 [33] | 21 | |
| | | | Supplemental agreement 10–9–64. | 21 | 1 |
| | | | Assignment 2–6–68 [34] | 21 | 2 |
| | | | Assignment 2–6–68 [34] | 21 | 3 |
| | | | Agreement 2–6–68 [35] | 21 | 4–8 |
| | | | Ratified 2–29–68 [10 36] | 21 | 9 |
| CI68–1121<br>A 3–18–68 [8] | Magic Circle Oil Co. | Michigan Wisconsin Pipe Line Co., Northeast Cedardale Field, Major County, Okla. | Contract 2–23–68 [10] | 1 | |
| CI68–1144<br>A 3–26–68 [8] | Graham-Michaelis Drilling Co. | Panhandle Eastern Pipe Line Co., Eva Field, Texas County, Okla. | Contract 1–8–68 | 83 | |
| | | | Amendatory agreement 3–8–68.[10] | 83 | 1 |
| CI68–1148<br>A 3–28–68 [8] | Appalachian Exploration & Development, Inc. | United Fuel Gas Co., Union District, Kanawha County, W. Va. | Contract 3–5–68 [10 37] | 2 | |
| CI68–1149<br>A 3–28–68 [8] | Humble Oil & Refining Co. | United Gas Pipe Line Co., Laura LaVelle Field, Houston County, Tex. | Contract 2–12–68 | 444 | |
| | | | Letter agreement 2–12–68.[10] | 444 | 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. |
| CI68-1150 (G-5524) E 3-25-68 [38] | William M. Wiseman and Alfred T. White (Operator) et al. (successor to Charles H. Osmond et al.). | Texas Eastern Transmission Corp., Kennelly (Franka) Field, Colorado County, Tex. | Charles H. Osmond et al., FPC GRS No. 1. | 2 | |
| | | | Supplement Nos. 1-9 | 2 | 1-9 |
| | | | Notice of succession 3-20-68. | | |
| | | | Assignment 8-17-67 [39] | 2 | 10 |
| | | | Assignment 9-28-67 [40] | 2 | 11 |
| | | | Effective date: 9-1-67 | | |
| CI68-1151 A 3-28-68 | Roger M. Wheeler | Arkansas Louisiana Gas Co., Mansfield Field, Scott County, Ark. | Contract 3-8-68 [41] | 5 | |
| | | | Contract 5-12-67 [10] | 5 | 1 |
| CI68-1153 (CI63-409) B 3-28-68 | The Superior Oil Co | El Paso Natural Gas Co., acreage in Apache County, Ariz. | Notice of cancellation 3-27-68.[1 2] | 107 | 2 |
| CI68-1159 A 4-1-68 [8] | Davis Drilling, Inc | Panh andle Eastern Pipe Line Co., Marmaton Pool, Greenwood Field, Morton County, Kans. | Contract 3-8-68 [10 42] | 4 | |
| CI68-1163 A 3-27-68 [8] | W. M. Gallaway et al | El Paso Natural Gas Co., Basin Dakota Field, La Plata County, Colo. | Contract 3-5-68 [10] | 1 | |
| CI68-1165 A 3-29-68 | J. W. Kinzer | Columbian Fuel Corp., Pond Creek, Pike County, Ky. | Contract 9-13-67 | 1 | |
| | | | Assignment 7-26-67 [43] | 1 | 1 |
| | | | Agreement 4-11-67 [10] | 1 | 2 |
| CI68-1167 (CI64-644) F 4-1-68 | Robert E. Aikman et al., d.b.a. Aikman Brothers (successor to Ashland Oil & Refining Co.). | Natural Gas Pipeline Co. of America, Quinlan Field, Woodward County, Okla. | Contract 10-15-63 [44] | 20 | |
| | | | Assignment 3-5-68 [45] | 20 | 1 |
| | | | Assignment 3-11-68 [46] | 20 | 2 |
| CI68-1168 (CI63-472) B 4-1-68 | Sun Oil Co | Texas Eastern Transmission Corp.; Appling Field, Calhoun County, Tex. | Notice of cancellation 3-25-68.[12] | 153 | 2 |
| CI68-1169 (G-6559) F 4-1-68 | American Petrofina Co. of Texas (Operator) et al. (successor to Ralph E. Fair et al.). | Tennessee Gas Pipeline Co., a division of Tenneco, Inc., McAllen Field, Hidalgo County, Tex. | Contract 11-20-52 [47] | 72 | |
| | | | Letter agreement 9-19-58. | 72 | 1 |
| | | | Letter agreement 4-16-59. | 72 | 2 |
| | | | Letter agreement 3-20-61. | 72 | 3 |
| | | | Assignment 3-20-68 [48] | 72 | 4 |
| | | | Effective date: 3-8-67 | | |
| CI68-1172 (CI64-1032) B 4-3-68 | Tenneco Oil Co. (Operator) et al. | Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex. | Notice of cancellation (Undated).[2 49] | 76 | 15 |
| CI68-1173 A 4-3-68 | Mt. Carmel Drilling Co. | Kentucky-West Virginia Gas Co., Little Blaine Creek, Lawrence County, Ky. | Contract 3-22-68 [10] | 1 | |
| CI68-1175 (G-3662) B 4-4-68 | Edwin L. Cox (Operator) et al. | Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex. | Notice of cancellation 4-3-68.[1 2] | 44 | 12 |
| CI68-1176 A 4-4-68 | Dr. William B. Frymark et al. | United Fuel Gas Co., acreage in Martin County, Ky. | Contract 3-6-68 [10] | 1 | |
| CI68-1178 A4-4-68 [8] | Union Pacific Railroad Co. | Mountain Fuel Supply Co., Nitchie Gulch Area, Sweetwater County, Wyo. | Contract 2-15-68 [10] | 13 | |
| CI68-1179 A 4-3-68 [8] | Pioneer Production Corp. (Operator) et al. | Natural Gas Pipeline Co. of America, Southeast Boyd Field, Beaver County, Okla. | Contract 2-19-68 [10] | 36 | |
| CI68-1181 (CI64-199) B 4-5-68 | Pan American Petroleum Corp. (Operator) et al. | Valley Gas Transmission, Inc., Sol West Field, Live Oak County, Tex. | Notice of cancellation 4-3-68.[1 2] | 356 | 2 |
| CI68-1182 A 4-8-68 [8] | H. L. Hutton | Arkansas Louisiana Gas Co., Northwest Braman Field, Kay County, Okla. | Contract 3-15-68 [10] | 4 | |
| CI68-1184 (G-4579) F 4-8-68 | Mallonee-Mahoney, Inc., agent (successor to Cities Service Oil Co.). | Northern Natural Gas Co., Evalyn Field, Seward County, Kans. | Contract 5-22-63 [50] | 1 | |
| | | | Assignment 2-2-68 [51] | 1 | 1 |
| | | | Compliance 5-14-68 | 1 | 2 |
| CI68-1185 A 4-8-68 [8] | Wosk-Mitchell | United Fuel Gas Co., Rocky Fork Field, Kanawha County, W. Va. | Contract 3-25-68 [10 37] | 1 | |
| CI68-1186 (G-11478) B 4-8-68 | Texaco, Inc | Coastal States Gas Producing Co., Alfred (Brownley) Field, Jim Wells County, Tex. | Notice of cancellation 4-4-68.[1 2] | [52] 157 | 4 |
| CI68-1187 (G-8831) B 4-8-68 | do | Coastal States Gas Producing Co., Alfred Field, Jim Wells County, Tex. | Notice of cancellation 4-4-68.[1 2] | 134 | 4 |
| CI68-1188 (G-4820) [53] B 4-8-68 | do | United Gas Pipe Line Co., Weesatche Field, Goliad County, Tex. | Notice of cancellation 4-4-68. [12] | 92 | 7 |
| CI68-1189 (CI68-731) C 4-10-68 [8 54] | Natol Petroleum Corp. (Operator) et al. | Arkansas Louisiana Gas Co., Pine Hollow-Arpelar Fields, Pittsburg County, Okla. | Supplemental agreement 2-29-68. | 2 | 3 |
| CI68-1190 A 4-9-68 [8] | Elliott A. Riggs | El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex. | Contract 12-26-67 [10] | 1 | |
| CI68-1191 A 4-9-68 [8] | Tenneco Oil Co. (Operator) et al. | Cities Service Gas Co., Waynoka Northeast Field, Woodward County, Okla. | Contract 4-1-68 | 224 | |
| CI68-1192 A 4-9-68 [8] | Tenneco Oil Co | El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex. | Contract 3-29-68 [10] | 225 | |
| CI68-1195 (CI68-210) B 4-10-68 | Maurice K. Jewell et al., d.b.a. H & S Oil and Gas Co. et al. | Consolidated Gas Supply Corp., Williams District, Wood County, W. Va. | Notice of cancellation 4-9-68. [27] | 1 | 1 |

[1] Source of gas depleted.
[2] Effective date: Date of this order.
[3] Amendment to the certificate filed to reflect change in Operator.
[4] By T. Jack Foster and wife to Foster T. Corporation.
[5] Dedicates additional acreage and deletes certain acreage; rate schedule filing previously accepted for filing.
[6] Conveys acreage from Shell Oil Co. to Herman George Kaiser et al.
[7] Production of gas no longer economically feasible.
[8] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[9] Adds acreage to basic contract (depths limited to all depths shallower than the base of the Mississippian System).
[10] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[11] Estimated cost of $268,920 to connect the 139,000 Mcf of reserves or $1.93 per Mcf; buyer considers it uneconomical to connect.
[12] Deletes 131.5 acres (Lease No. T-14424) of nonproductive acreage; lease canceled.
[13] By letter dated Apr. 24, 1968, Applicant stated its willingness to accept permanent authorization for the additional acreage conditioned subject to the ultimate disposition of the rule-making proceeding in Docket No. R-338.
[14] Assignment from May Petroleum, Inc., to Applicant.
[15] Rate effective subject to refund in Docket No. RI65-151.
[16] Four assignments, of same date, transferring partial interests in acreage from Mobil Oil Corp. to Champlin Petroleum Co.
[17] Three assignments, of same date, transferring partial interests in acreage from Mobil Oil Corp. to Husky Oil Co.
[18] Four assignments, of same date, transferring partial interest in acreage from Mobil Oil Corp. to Union Oil Co. of California.
[19] Assigns acreage from Coke L. Gage to Mitchell & Mitchell Properties, Inc.
[20] Depth limitation of 6,115 feet.
[21] Conveys acreage from Southwest Oil Industries, Inc., to Applicant.
[22] Includes copy of minutes dated Aug. 17, 1966, of meeting of Board of Directors of Reading & Bates which amended Articles of Incorporation to dissolve Goff Oil Corp. and became a part of Reading & Bates.
[23] Conveys a portion of a 100-percent interest acquired by Schalk from United States Smelting Refining & Mining Co. and Southern Union Production Co. to A. Michael Bernstein et al.
[24] Adds a 50-percent interest in undedicated acreage (Southern Union's only). The remaining 50-percent interest in dedicated but nonproducing acreage covered under United States Smelting's FPC GRS No. 10.
[25] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[26] By letter filed Jan. 12, 1968, Applicant agreed to accept a permanent certificate containing conditions similar to those imposed by Opinion No. 468; and by letter filed Apr. 8, 1968, Applicant agreed to accept a permanent certificate conditioned to the outcome of the Rulemaking Proceeding in Docket No. R-338, and the filing of a supplement to the rate schedule prior to the commencement of any processing for the extraction of liquefiable hydrocarbons.

[27] Accepts temporary certificate issued Mar. 15, 1968, and advises of willingness to accept a permanent certificate subject to the outcome of the proceedings in Docket No. R–338.
[28] Provides for sale of surplus gas not required by contract dated Dec. 3, 1957, between Applicant and Texas Gas. This contract is designated as Humble's FPC GRS No. 127.
[29] Accepts conditions of temporary certificate issued Mar. 15, 1968, and advises of willingness to accept a permanent certificate.
[30] Complies with temporary certificate issued Mar. 29, 1968, and advises of willingness to accept a permanent certificate conditioned similar to the temporary (15 cents including tax reimbursement subject to B.t.u. adjustment).
[31] 15.5 cents per Mcf plus 0.059 cent tax reimbursement effective subject to refund in Docket No. RI60–197.
[32] Jan. 1, 1970, moratorium applicable to production from acreage added by Supplement No. 9 only.
[33] Contract on file as Chevron Oil Co. (Western Division) FPC GRS No. 6.
[34] From Chevron Oil Co. to Lario Oil & Gas Co.
[35] Farmout agreements that transfer to Lario a 50-percent interest in the production from each well drilled.
[36] Additional acreage to rate schedule and ratification of Gas Purchase Contract dated May 6, 1964, and Supplement dated Oct. 9, 1964.
[37] Gas produced from Newburg Sand only.
[38] Application erroneously assigned Docket No. CI68–1150 will be treated as a petition to amend the certificate issued in Docket No. G–5524 and Docket No. CI68–1150 will be canceled.
[39] Assigns acreage from Osmond Hitchcock, Ltd., et al., to Dearing Pipe & Specialty Co. All acreage not assigned reverted back to leaseowners.
[40] Assigns acreage from Dearing to William M. Wiseman and Alfred T. White (Operator) et al.
[41] Adopts terms of contract dated May 12, 1967, between Midwest Oil Corp. et al., and buyer.
[42] Acreage is committed with respect to gas produced from all depths below the Chase Group of the Permian System.
[43] Applicant acquired his interest from Columbian Fuel Corp.
[44] Currently on file as Ashland Oil & Refining Co. FPC GRS No. 158.
[45] Assigns acreage from Ashland Oil & Refining Co. to Aikman Brothers Corp.
[46] Assigns acreage from Aikman Brothers Corp. to Robert E. Aikman et al., doing business as Aikman Brothers.
[47] Contract between Ralph E. Fair et al., and Tennessee ;also on file as Ralph E. Fair (Operator) et al, FPC GRS No. 2.
[48] Assigns acreage to American Petrofina from Ralph E. Fair and Rado Refining Co. to a depth of 12,400 feet.
[49] Leases are no longer capable of producing in quantities sufficient to warrant gathering and compressing into buyer's system.
[50] Also on file as Cities Services Oil Co. (Operator) et al., FPC GRS Nos. 167 and 168.
[51] Assigns formations below the base of the Wolfcamp from Cities Service Oil Co. to Mahoney Drilling Co.
[52] Rate effective subject to refund in Docket No. RI65–400.
[53] Other sales covered under Docket No. G–4820; therefore, the certificate in said docket will be terminated in part.
[54] Application erroneously assigned Docket No. CI68–1189 will be treated as a petition to amend the certificate issued in Docket No. CI68–731 and Docket No. CI68–1189 will be canceled.

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. 68–6751; Filed, June 11, 1968; 8:45 a.m.]

[1] If a corporation.

[Docket Nos. G–5083, etc.]

## AMERADA PETROLEUM CORP. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 3, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1968.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Acting Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G–5083 E 5–10–68 | Amerada Petroleum Corp. (successor to Shell Oil Co.), Post Office Box 2040, Tulsa, Okla. 74102. | El Paso Natural Gas Co., Bagley Field, Lea County, N. Mex. | [1] 16.8793 | 14.65 |
| G–12902 D 5–16–68 [2] | Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102. | El Paso Natural Gas Co., Blinebry et al. Field, Lea County, N. Mex. | Assigned | ---- |
| G–12907 E 5–10–68 | Horizon Oil & Gas Co. of Texas (Operator), et al. (successor to N. Bruce Calder, partner, d.b.a. Horizon Oil & Gas Co.), 1216 Hartford Bldg., Dallas, Tex. 75201. | Northern Natural Gas Co., Hansford Field, Hansford County, Tex. | 16.5 | 14.65 |
| G–12987 E 5–10–68 | do | Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla. | 16.0 | 14.65 |
| G–13886 E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to N. Bruce Calder & E. Curtis, Jr., d.b.a. Horizon Oil & Gas Co.). | Northern Natural Gas Co., Hansford Field, Hansford County, Tex. | 16.5 | 14.65 |
| G–14868 E 5–10–68 | Horizon Oil & Gas Co. of Texas (Operator) et al. (successor to Horizon Oil & Gas Co. (Operator) et al.). | Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla. | 16.0 | 14.65 |
| G–15118 E 5–10–68 | do | do | 16.0 | 14.65 |
| G–15307 E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to Horizon Oil & Gas Co., a partnership composed of N. Bruce Calder and Curtis E. Calder). | Northern Natural Gas Co., Hansford and Horizon Fields, Hansford County, Tex. | 16.5 | 14.65 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G–16153<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (Operator) et al. (successor to N. Bruce and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co.). | Northern Natural Gas Co., Perryton, Dude Wilson, Horizon, Barlow, and Spoony Fields, Ochiltree County, Tex. | 16.5 | 14.65 |
| G–16155<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (Operator) et al. (successor to Horizon Oil & Gas Co., Operator). | Northern Natural Gas Co., Dude Wilson and Ellis Ranch Fields, Ochiltree County, Tex. | 16.5 | 14.65 |
| G–16156<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to Horizon Oil & Gas Co.). | Northern Natural Gas Co., Perryton (Westwick) Field, Ochiltree County, Tex. | 15.5 | 14.65 |
| G–16367<br>D 5–17–68 [3] | Mobil Oil Corp. (Operator) et al., Post Office Box 2444, Houston, Tex. 77001. | Transwestern Pipeline Co., Feldman Field, Hemphill and Lipscomb Counties, Tex. | Assigned | |
| G–17007<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to Horizon Oil & Gas Co.). | Northern Natural Gas Co., Hansford and Horizon Fields, Hansford County, Tex. | 16.5 | 14.65 |
| G–18722<br>E 5–10–68 | do | Northern Natural Gas Co., Perryton (Westwick) Field, Ochiltree County, Tex. | 15.5 | 14.65 |
| G–18805<br>D 5–17–68 | Texas Oil & Gas Corp.,[4] c/o Sherman S. Poland, Esq., Ross, Marsh & Foster, 725 15th St. NW., Washington, D.C. 20005 (partial abandonment). | Florida Gas Transmission Co., East Bay Field, Galveston County, Tex. | Uneconomical | |
| G–19524<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (Operator) et al. (successor to Horizon Oil & Gas Co. (Operator) et al.). | Natural Gas Pipeline Co. of America, Camrick Field, Texas County, Okla. | 16.6 | 14.65 |
| CI60–526<br>4–19–68 [5] | Harold H. Anderson, agent et al. (successor to C. R. Van Hoesen, agent et al.), Publishers-Hall Syndicate, Room 740, 401 North Wabash Ave., Chicago, Ill. 60611. | Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla. | [6] 17.0 | 14.65 |
| CI61–18<br>5–6–68 [7] | Mobil Oil Corp | Mountain Fuel Supply Co., Alkali Creek Field, Sweetwater County, Wyo. | [8] | |
| CI61–63<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (Operator) et al. (successor to Horizon Oil & Gas Co.). | Natural Gas Pipeline Co. of America, Camrick Field, Texas County, Okla. | 16.8 | 14.65 |
| CI61–100<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to N. Bruce and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co.). | Transwestern Pipeline Co., Horizon Field, Ochiltree County, Tex. | 17.0 | 14.65 |
| CI61–269<br>E 5–6–68 | Lyle K. Baker, agent for Baker Development Co. (successor to Charles E. Baker, d.b.a. Baker Development Co.), 59 Forrest St., Akron, Ohio 44306. | Equitable Gas Co., West Union District, Doddridge County, W. Va. | 25.0 | 15.325 |
| CI61–1300<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to N. Bruce and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co.). | Transwestern Pipeline Co., acreage in Hansford County, Tex. | 17.0 | 14.65 |
| CI61–1703<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas, Operator (successor to N. Bruce and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co.). | El Paso Natural Gas Co., acreage in Hansford and Ochiltree Counties, Tex. | 17.0 | 14.65 |
| CI61–1704<br>E 5–10–68 | do | Northern Natural Gas Co., Hansford Field, Hansford and Ochiltree Counties, Tex. | 17.0 | 14.65 |
| CI62–262<br>E 5–16–68 | Walton Oil & Gas Co. (successor to Calk, Inc.), c/o Paul N. Bowles, attorney, Post Office Box 1386, Charleston, W. Va. 25325. | Equitable Gas Co., Collins Settlement District, Lewis County, W. Va. | 25.0 | 15.325 |
| CI62–514<br>E 5–6–68 | Lyle K. Baker, agent for Baker Development Co. (successor to Charles E. Baker et al. d.b.a. Ernestine Ford Leggett Wells 1 and 2). | Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va. | 25.0 | 15.325 |
| CI62–587<br>E 5–16–68 | Walter Oil & Gas Co. (successor to Lawrence Tenk). | Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va. | 25.0 | 15.325 |
| CI62–673<br>C&D 4–29–68 | Skylark Gas Co., 219 East Main St., St. Clairsville, Ohio 43950. | Equitable Gas Co., acreage in Lewis, Upshur and Harrison Counties, W. Va. | 25.0 | 15.325 |
| CI62–718<br>E 5–16–68 | Walton Oil & Gas Co. (successor to Calk, Inc.). | Equitable Gas Co., Court House and Collins Settlement Districts, Lewis County, W. Va., | 25.0 | 15.325 |
| CI62–734<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to N. Bruce and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co.). | Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Tex. | 16.0 | 14.65 |
| CI62–1369<br>E 5–6–68 | Lyle K. Baker, agent for Baker Development Co. (successor to Charles E. Baker, d.b.a. James Robinson Well No. 1). | Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va. | 25.0 | 15.325 |
| CI63–257<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to Horizon Oil & Gas Co.). | Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Tex. | 17.0 | 14.65 |
| CI63–603<br>(CI65–691)<br>C 5–17–68 [9] | Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102. | Lone Star Gas Co., East Doyle Field, Stephens County, Okla. | 15.0 | 14.65 |
| CI63–860<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas (successor to N. Bruce and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co.). | Northern Natural Gas Co., Horizon Field, Ochiltree County, Tex. | 15.0 | 14.65 |
| CI63–1157<br>E 5–10–68 | Horizon Oil & Gas Co. of Texas, Operator (successor to N. Bruce and Curtis E. Calder, Jr., d. b. a. Horizon Oil & Gas Co.). | Northern Natural Gas Co., Hansford Field, Hansford County, Tex. | 17.0 | 14.65 |
| CI63–1474<br>E 5–10–68 | Horizon Oil & Co. of Texas (successor to N. Bruce and Curtis E. Calder, Jr., d. b. a. Horizon Oil & Gas Co.). | Transwestern Pipeline Co., Dude Wilson Field, Ochiltree County, Tex. | 17.0 | 14.65 |
| CI64–894<br>E 5–10–68 | do | Northern Natural Gas Co., Hansford Field, Hansford County, Tex. | 17.0 | 14.65 |
| CI65–443<br>E 5–9–68 | R. T. German (successor to White Sands Oil & Gas Corp.), Post Office Box 1734, Midland, Tex. 79701. | El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex. | [10] 13.04 | 15.025 |
| CI66–979<br>5–13–68 [11] | Twin Gas Co., Operator, 5 South Commerce, Ardmore, Okla. 73401. | Lone Star Gas Co., Dixie Field, Stephens County, Okla. | 14.50 | 14.65 |
| CI67–625<br>C 5–20–68 | E. A. Obering et al., 614 Petroleum Club Bldg., Oklahoma City, Okla. 73102. | Panhandle Eastern Pipe Line Co., Woodward Area, Woodward County, Okla. | [6] 17.0 | 14.65 |
| CI67–1465<br>C 5–20–68 | Cleary Petroleum, Inc. (Operator) et al., 310 Kermac Bldg., Oklahoma City, Okla. 73102. | Panhandle Eastern Pipe Line Co., Northeast Freedom Area, Woods County, Okla. | [6] 15.0 | 14.65 |
| CI67–1795<br>C 5–20–68 | Southwest Oil Industries, Inc., 801 First National Bldg., Oklahoma City, Okla. 73102. | Northern Natural Gas Co., Fincham Field, Meade County, Kans. | 16.0 | 14.65 |
| CI68–1296<br>A 5–10–68 | Paul F. Starr, agent for Graces Nester Wells 1 and 2, Post Office Box 158, Spencer, W. Va. 25276. | Harry C. Boggs Natural Gas Co., acreage in Roane County, W. Va. | 18.0 | 15.325 |
| CI68–1301<br>A 5–15–68 | The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112. | Michigan Wisconsin Pipe Line Co., Eugene Island Area, Blocks 214, 230, and 231, Offshore Louisiana. | 21.25 | 15.025 |
| CI68–1302<br>A 5–16–68 | Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001. | Michigan Wisconsin Pipe Line Co., Prospect 107, Eugene and South Marsh Islands Area, Offshore Louisiana. | 21.25 | 15.025 |
| CI68–1304<br>A 5–16–68 | Charles B. Lewis, agent for W. H. Boggs Lease, Box 56, Spencer, W. Va. 25276. | Harry C. Boggs Natural Gas Co., Smithfield District, Roane County, W. Va. | 20.0 | 15.325 |
| CI68–1305<br>(CI63–1166)<br>F 5–16–68 | Mobil Oil Corp. (successor to La Gloria Oil & Gas Co.[12]). | Arkansas Louisiana Gas Co., Ames Area, Major County, Okla. | [13] 13.5 | 14.65 |
| CI68–1306<br>A 5–16–68 | Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001. | Michigan Wisconsin Pipe Line Co., Eugene Island Block 266 Field, South Marsh Island Areas, Offshore Iberia and St. Mary Parishes, La. | 21.25 | 15.025 |

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI68-1307 (CI65-24) F 5-16-68 | American Petrofina Co. of Texas (successor to John L. Crawford et al.), Post Office Box 2159, Dallas, Tex. 75221. | Northern Natural Gas Co., Joe "T" Field, Crockett County, Tex. | 16.0 | 14.65 |
| CI68-1308 A 5-13-68 | Cedarville Oil & Gas Co., c/o G. F. Hedges, Jr., agent, Box 16, Spencer, W. Va. 25276. | Equitable Gas Co., Cedarville Field, Gilmer County, W. Va. | 16.0 | 14.65 |
| CI68-1310 A 5-16-68 | Sam D. Lopinsky, L & S Bldg., Charleston, W. Va. | Pennzoil Co., Troy District, Gilmer County, W. Va. | 12.0 | 15.325 |
| CI68-1311 A 5-17-68 | Struby-Kiernan, City National Bldg., Oklahoma City, Okla. 73102. | Arkansas Louisiana Gas Co., West Braman Field, Kay County, Okla. | 12.0 | 14.65 |
| CI68-1313 A 5-17-68 | Continental Oil Co. | El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex. | 12.0 | 15.025 |
| CI68-1315 A 5-20-68 | Chief Drilling Co., Inc., Box 797, Great Bend, Kans. 67530. | Cities Service Gas Co., acreage in Barber County, Kans. | 14.0 | 14.65 |
| CI68-1316 A 5-20-68 | Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102. | Panhandle Eastern Pipe Line Co., North Waynoka Field, Woods County, Okla. | [14] 17.85 | 14.65 |
| CI68-1318 A 5-20-68 | Lohmann-Johnson Drilling Co., Inc. (Operator) et al., 320 Indiana Bank Bldg., Evansville, Ind. 47708. | Texas Gas Transmission Corp., Elk Creek Field, Hopkins County, Ky. | 15.0 | 15.025 |
| CI68-1319 B 5-17-68 | Magna Oil Corp., 1000 Mercantile Continental Bldg., Dallas, Tex. 75201. | Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Lissey Field, Wharton County, Tex. | Depleted | ---------- |
| CI68-1320 A 5-20-68 | Coastal States Gas Producing Co., Petroleum Tower, Corpus Christi, Tex. 78401. | Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Southwest Lake Arthur Field, Cameron and Vermilion Parishes, La. | 20.0 | 15.025 |
| CI68-1321 A 5-20-68 | Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221. | Michigan Wisconsin Pipe Line Co., South Marsh and Eugene Island Areas, Offshore Iberia Parish, La. | 21.25 | 15.025 |
| CI68-1322 A 5-20-68 | Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003. | Michigan Wisconsin Pipe Line Co., South Marsh and Eugene Island Areas, Offshore Louisiana. | [16] 21.25 | 15.025 |
| CI68-1323 (CI65-228) F 5-15-68 | J. T. Langham and R. J. Beams, d.b.a. Labeco (successor to Horizon Oil & Gas Co. of Texas), 1618 Gulf States Bldg., Dallas, Tex. 75201. | Baca Gas Gathering System, Inc., Playa Field, Baca County, Colo. | 12.0 | 14.65 |

[1] Rate in effect subject to refund in Docket No. RI65-52.
[2] Deletes acreage assigned to Damson Petroleum Corporation et al.
[3] Deletes acreage assigned to J. M. Huber et al.
[4] Successor to Shell Oil Co.
[5] Amendment to certificate filed to reflect change of agent.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Application filed to terminate certificate of public convenience and necessity.
[8] In 1963 Mobile assigned to Mountain Fuel most of the acreage dedicated under contract. The remaining acreage is nonproductive.
[9] Adds acreage acquired from Inez Calmes, Executrix of Estate of Kermit W. Calmes, Deceased.
[10] Includes 1 cent per Mcf minimum guarantee for liquids.
[11] Amendment to certificate filed to add 0.50 cent per Mcf dehydration charge.
[12] Predecessor's interest covered under certificate issued to Harry Blackstock et al., Docket No. CI63-1166.
[13] Subject to deduction for compression charge.
[14] Includes 0.85 cent upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[15] Subject to deduction for compression; also Buyer may deduct 1.5 cents per Mcf for transporting shrinkage and fuel volumes in the event the gas is processed.

[F.R. Doc. 68-6825; Filed, June 11, 1968; 8:45 a.m.]

[Docket No. RI68-533]

## NEWMONT OIL CO.

### Order Amending Order Accepting Contract, Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing, and Making Rates Effective Subject to Refund

JUNE 4, 1968.

On March 6, 1968, Newmont Oil Co. (Newmont) filed with the Commission a proposed change in rate from 10.0472 cents to 16.75 cents per Mcf, designated as Supplement No. 12 to Newmont's FPC Gas Rate Schedule No. 2, which pertains to its jurisdictional sales of natural gas from the Eugene Island Area, Offshore Louisiana, to United Gas Pipe Line Co. (United). The Commission by order issued March 29, 1968, suspended for 5 months Newmont's aforementioned rate increase until September 6, 1968, and thereafter until made effective in the manner prescribed by the Natural Gas Act. The suspended rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On May 6, 1968, Newmont submitted a substitute increased rate filing, designated as Supplement No. 1 to Supplement No. 12 to Newmont's FPC Gas Rate Schedule No. 2, reflecting proposed increases for gas sold to United to rates equal to the area increased ceiling level as set forth in the Commission's statement of general policy No. 61-1, in lieu of the 16.75 cents per Mcf renegotiated rate proposed in the increased rate filing designated as Supplement No. 12 to Newmont's FPC Gas Rate Schedule No. 2 and suspended in Docket No. RI68-533. Newmont requests that its amended filing be substituted for the prior increased rate filing and that the March 29, 1968 order, insofar as it pertains to Docket No. RI68-533, be amended to conform to the rate changes proposed in the amended increase filing. The proposed substitute rate filing is set forth in Appendix "A" hereof.

The increases, considered "fractured" rate increases since the proposed rates are only a portion of the contractually authorized rate, amount to $5,506 annually, a decrease of $2,629 annually from the previously reported annual increase of $8,135. Although the proposed rates, 14 cents for gas produced from areas in the Federal Domain and 15.75 cents for gas produced from areas subject to the taxing jurisdiction of the State of Louisiana, do not exceed the area's ceiling for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), they are suspended for 1 day from June 6, 1968, the date of expiration of the statutory notice for the amended rate filing, since Newmont did not submit with the substitute increased rate filing a waiver of its right to file for the remaining increment of its contractually due rates.

Newmont requests an effective date of April 6, 1968, for its amended rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Newmont's rate filing and such request is denied.

The Commission finds: Good cause exists for amending the Commission's order issued on March 29, 1968, in Docket No. RI68-533, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued March 29, 1968, in Docket No. RI68-533, is amended only so far as to permit the 14 cents and 15.75 cents per Mcf rates contained in Supplement No. 1 to Supplement No. 12 to Newmont's FPC Gas Rate Schedule No. 2 to be filed to supersede the 16.75 cents rate provided by Supplement No. 12 to Newmont's aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI68-533. The suspension period for such substitute rate filing shall terminate on June 7, 1968.

(B) Supplement No. 1 to Supplement No. 12 to Newmont's FPC Gas Rate Schedule No. 2 shall become effective subject to refund on June 7, 1968, if within 20 days from the date of the issuance of this order, Newmont shall execute and file in Docket No. RI68-533 its agreement and undertaking to comply with the refunding and reporting procedures required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, United Gas Pipe Line Co. Unless Newmont is advised to the contrary within 15 days after filing of its agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) In all other respects, the order issued by the Commission on March 29, 1968, in Docket No. RI68-533, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Purchaser and producing area | Amount of annual increase | Date filing tendered | Effective date unless suspended | Date suspended until— | Cents per Mcf: Rate in effect | Cents per Mcf: Proposed increased rate | Rate in effect subject to refund in docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| RI68-533.... | Newmont Oil Co., 1135 Capital National Bank Bldg., Houston, Tex. 77002, Attn: Mr. R. S. Moehlman. | 2 | [1] 1 to 12 | United Gas Pipe Line Co. (Eugene Island Area, St. Mary Parish, Offshore Louisiana). | $3,198<br>2,308 | 5-6-68<br>5-6-68 | [2] 6-6-68<br>[2] 6-6-68 | [3] 6-7-68<br>[3] 6-7-68 | [6] [7] 10.0472<br>[7] [8] 10.0472 | [4] [5] [6] [7] 14.0<br>[4] [5] [7] [8] 15.75 | |

[1] Amends prior notice submitted on Mar. 6, 1968, reflecting a proposed renegotiated rate of 16.75 cents which was suspended in Docket No. RI68-533, until Sept. 6, 1968.
[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] "Fractured" rate increase. Contractually due 16.75 cents per Mcf.
[5] Pressure base is 15.025 p.s.i.a.
[6] Price for gas produced from area in the Federal Domain.
[7] Subject to a downward B.t.u. adjustment.
[8] Price for gas produced from area subject to the taxing jurisdiction of the State of Louisiana.

[F.R. Doc. 68-6874; Filed, June 11, 1968; 8:45 a.m.]

[Docket No. RI63-317, etc.]

## SKELLY OIL CO.

### Order Accepting Increased Rate Filings and Related Contract Amendments, Permitting Substitution of Rate Filing, Severing Proceeding, and Terminating Proceedings in Whole and in Part

JUNE 4, 1968.

Docket Nos. RI63-317, RI68-594 and AR64-2.

On April 30, 1968, Skelly Oil Co. (Skelly), tendered for filing renegotiated increased rate proposals and related contract amendments for its effective rate schedules covering all of its jurisdictional sales to Texas Eastern Transmission Corp. (Texas Eastern), in the State of Texas, as set forth in Appendix "A" hereto. Skelly submits the subject filings as a package settlement proposal and requests a June 1, 1968 effective date therefor stating that the related agreements will become null and void if the proposed rate changes are not accepted by this date.

In support of its proposal, Skelly states that the proposed increased rates are at prices equal to the prices permitted by the Second Amendment to the Commission's statement of general policy No. 61-1 (18 CFR 2.56), and that the amendatory agreements remove all future price escalations, except for future tax reimbursements, from the rate schedules involved and in certain instances extend the contract terms thereunder to November 1, 1973. With respect to its Rate Schedule No. 29, Skelly further states that its proposed rate change filing of 14.5 cents per Mcf is submitted to replace its periodic rate increase to 14.8733 cents per Mcf (designated as Supplement No. 12 to said rate schedule and suspended in Docket No. RI68-594 until Oct. 6, 1968), and requests that said Supplement No. 12 be considered as withdrawn.

All of the rate schedules involved, with the exception of Rate Schedule No. 115, were the subject of a previous offer of settlement accepted by Commission order issued December 11, 1959, in Docket No. G-11346 et al., 22 FPC 1033. Under that settlement, Skelly eliminated from its rate schedules the favored nation and price redetermination clauses and replaced the 0.2 cent per Mcf annual rate increases with 0.5 cent increases under its Rate Schedule No. 29, effective as of February 5, 1963 and 1968, and with 1 cent increases under the other rate schedules, effective as of November 1, 1963, 1968, and 1973.

The present effective rates under Rate Schedule Nos. 2, 87, 92, and 117 are the 14.6 cents per Mcf settlement rates. Skelly has not filed for the 1 cent periodic increases, contractually authorized on November 1, 1963, under these rate schedules. Skelly is now collecting under its Rate Schedule No. 29 a 14.3733 cents per Mcf rate subject to refund in Docket No. RI63-317 and a 14.8733 cents per Mcf rate is under suspension in Docket No. RI68-594.

The 15 cents and 14.5 cents rates proposed by Skelly are consistent with the Second Amendment to the Commission's statement of general policy No. 61-1. The 14.5 cents rates for sales under Rate Schedule Nos. 29 and 115 reflect a 0.5 cent differential for dehydration and wellhead delivery. Skelly has the right to terminate its contract under Rate Schedule No. 115, and thereafter to file unilateral increases. In these circumstances, it is appropriate to apply the Second Amendment ceiling to this sale.

The term of all of the contracts under the subject rate schedules will have in excess of 5 years remaining, with the exception of Rate Schedule No. 29 which expires on February 5, 1973, a few months short of 5 years. However, the remaining term for Rate Schedule No. 29 constitutes substantial compliance with our normal 5-year requirement set forth in the Ninth Amendment to the Commission's statement of general policy No. 61-1.

Therefore, we shall accept the instant proposals, sever Docket No. RI63-317 from the Texas Gulf Coast area rate proceeding in Docket No. AR64-2, terminate Docket No. RI63-317 and discharge the refund obligation therein, permit Supplement No. 14 to replace Supplement No. 12 to Skelly's FPC Gas Rate Schedule No. 29 effective as of June 1, 1968, and terminate Docket No. RI68-594 [1] insofar as it relates to Rate Schedule No. 29, all as hereinafter ordered.

However, we desire to make it clear that acceptance of Skelly's rate filings shall not be construed as approval of any future increased rates that may be filed by Skelly under the subject rate schedules in accordance with its reservation of the right to file increased rates to cover possible future tax increases, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Skelly's rates and rate schedules.

The Commission orders:

(A) The notices of change in rate and the related contract amendments as set forth in Appendix "A" are accepted for filing effective as of June 1, 1968.

(B) Supplement No. 12 to Skelly's FPC Gas Rate Schedule No. 29 is permitted to be and is considered withdrawn and the proceeding in Docket No. RI68-594 is terminated insofar as it relates to said Rate Schedule No. 29.

(C) Docket No. RI63-317 is severed from Docket No. AR64-2 and the proceeding in Docket No. RI63-317 is terminated and the refund obligation therein is discharged.

(D) The acceptance by the Commission of said supplements to the subject rate schedules is without prejudice to any findings or determination that may be made by the Commission in any proceeding now pending, or hereafter instituted by or against Skelly, including area rate or other similar proceedings.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] The suspension proceeding in Docket No. RI68-594 also pertains to Skelly's FPC Gas Rate Schedule No. 183 and this order does not affect said rate schedule.

APPENDIX A

| Docket No. | Respondent | Rate schedule No. | Supplement No. | Producing area | Amount of annual increase | Effective date | Cents per Mcf/14.65 p.s.i.a. Rate in effect | Proposed increased rate |
|---|---|---|---|---|---|---|---|---|
| | Skelly Oil Co. | 2 | [1] 13 | E. Provident City Field, Lavaca County, Tex. (RR. Dist. No. 2) | | [3] 6-1-68 | | |
| | | 2 | [2] 14 | | $4,609 | 6-1-68 | [4] 14.6 | 15.0 |
| | | 115 | [1] 3 | Yoward Field, Bee County, Tex. (RR. Dist. No. 2) | | [5] 6-1-68 | | |
| | | 115 | [2] 4 | | 303 | 6-1-68 | 10.88642 | 14.5 |
| | | 29 | [1] 13 | Mineral Field, Bee County, Tex. (RR. Dist. No. 2) | | [6] 6-1-68 | | |
| | | 29 | [2] 14 | | 184 | [7] 6-1-68 | [8] 14.3733 | 14.5 |
| | | 87 | [1] 13 | Englehart and Altair Fields, Colorado County, Tex. (RR. Dist. No. 3). | | [9] 6-1-68 | | |
| | | 87 | [2] 14 | | 1,313 | 6-1-68 | [4] 14.6 | 15.0 |
| | | 92 | [1] 7 | North Scottsville Field, Harrison County, Tex. (RR. Dist. No. 6) | | [9] 6-1-68 | | |
| | | 92 | [2] 8 | | 1,540 | 6-1-68 | [4] 14.6 | 15.0 |
| | | 117 | [1] 5 | Tatum Field, Rusk and Panola Counties, Tex. (RR. Dist. No. 6) | | [9] 6-1 68 | | |
| | | 117 | [2] 6 | | 113 | 6-1-68 | [4] 14.6 | 15.0 |

[1] Contract amendment, dated June 1, 1968.
[2] Notice of change, dated Apr. 26, 1968.
[3] Deletes all price escalation provisions, except for future tax reimbursement, and provides for 15 cents life-of contract rate from June 1, 1968, with extension of contract term to Nov. 1, 1973, and successive 1-year periods thereafter.
[4] Settlement rate as approved by Commission order issued Dec. 11, 1959, in Docket Nos. G-11346 et al., 22 FPC 1033.
[5] Provides for a 14.5-cent rate for the life of the contract from June 1, 1968, and extends contract term to Nov. 1, 1973, and successive 1-year periods thereafter.
[6] Provides for a 14.5-cent rate from June 1, 1968, for the remaining life of the contract
[7] Replaces rate increase to 14.8733 cents (designated Supplement No. 12 to R/S No. 29) filed Apr. 5, 1968, and suspended in Docket No. RI68-594 until Oct. 6, 1968.
[8] Rate in effect subject to refund in Docket No. RI63-317.
[9] Deletes all price escalation provisions, except for future tax reimbursement, and provides for 15-cent rate commencing June 1, 1968, for remaining term of contract which exceeds 5 years.

[F.R. Doc. 68-6875; Filed, June 11, 1968; 8:45 a.m.]

[Docket No. CP68-327]

## UNITED FUEL GAS CO. AND ATLANTIC SEABOARD CORP.

### Notice of Application

JUNE 4, 1968.

Take notice that on May 24, 1968, United Fuel Gas Co. (United), Post Office Box 1273, Charleston, W. Va. 25325, and Atlantic Seaboard Corp. (Seaboard), Post Office Box 1273, Charleston, W. Va. 25325 (Applicants), filed in Docket No. CP68-327 a joint 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 a measuring and regulating station and the transportation and exchange of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United is a public utility selling at retail and wholesale. Seaboard sells only at wholesale for resale. Recently, the Department of the Navy (Navy) requested United to provide direct natural gas service to its Sugar Grove installation in Pendleton County, W. Va. The Applicants state that since the Navy owns a 24-mile pipeline in connection with its Sugar Grove installation the only utilization that the Navy can make of the facility is to interconnect with the transmission facilities of Seaboard. However, Seaboard is not authorized to make retail sales. Therefore the Applicants request authorization to enter into an exchange agreement whereby United will deliver to Seaboard at existing points of interconnection at Clendenin, Kanawha County, W. Va., volumes of natural gas in exchange for Seaboard delivering equivalent volumes into the Navy's pipeline at a point of interconnection in Hardy County, W. Va., for the account of United.

The Navy's estimated requirements are 13,000 Mcf per year in the first year and 21,000 Mcf per year in the second year of operations.

Seaboard seeks authorization to construct and operate measuring and regulating facilities at an estimated cost of $6,950. Seaboard proposes to finance this cost out of funds generated from operations.

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 July 3, 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.

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 68-6876; Filed, June 11, 1968; 8:46 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.1 (Rev. 1); Amdt. 1]

## DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

### Delegation of Authority Regarding Financial Assistance

Delegation of Authority No. 4.1 (Revision 1) (32 F.R. 938), January 26, 1967, is hereby amended by revising items I. and I.B. to read as follows:

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Financial Assistance in Delegation of Authority No. 4, Revision 1 (32 F.R. 178), January 7, 1967, and Amendment 1, 33 F.R. 7603, May 22, 1968, there is hereby redelegated to the Deputy Associate Administrator for Financial Assistance the following authority:

* * * * *

B. To cancel, reinstate, modify, and amend authorizations for loans.

* * * * *

Effective date: May 8, 1968.

LOGAN B. HENDRICKS,
*Associate Administrator for Financial Assistance.*

[F.R. Doc. 68-6871; Filed, June 11, 1968; 8:45 a.m.]

[Delegation of Authority No. 5-B]

## ASSOCIATE ADMINISTRATOR FOR PROCUREMENT AND MANAGEMENT ASSISTANCE

### Delegation of Authority Regarding Financial Assistance

Pursuant to the authority vested in the Administrator of the Small Business Administration by sections 402(c) and 602 (d) of the Economic Opportunity Act of

1964, as amended, the following authority under section 406 of the Economic Opportunity Act of 1964, as amended, is hereby delegated to the Associate Administrator for Procurement and Management Assistance:

To enter into agreements providing financial assistance to public or private organizations to pay all or part of the costs of projects designed to provide technical and management assistance to individuals or enterprises eligible for assistance under section 402 of the Economic Opportunity Act of 1964, as amended, with special attention to small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals.

Effective date: June 5, 1968.

ROBERT C. MOOT,
*Administrator.*

[F.R. Doc. 68-6872; Filed, June 11, 1968; 8:45 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 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. 41351—*Butyl acrylate from specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-9085), for interested rail carriers. Rates on butyl acrylate, as described in the application, in tank carloads, from Bayport, Dixico, Freeport, Houston, and Nadeau, Tex., to Chicago, Ill., and points taking same rates.

Grounds for relief—Market competition.

Tariff—Supplement 176 to Southwestern Freight Bureau, agent, tariff ICC 4564.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41352—*Butyl acrylate from specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-9084), for interested rail carriers. Rates on butyl acrylate, as described in the application, in tank carloads, from Bayport, Dixico, Freeport, Houston, and Nadeau, Tex., to Chicago, Ill., and points taking same rates.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 176 to Southwestern Freight Bureau, agent, tariff ICC 4564.

By the Commission.

[SEAL] H. NEIL GARSON,
*Secretary.*

[F.R. Doc. 68-6892; Filed, June 11, 1968; 8:47 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 7, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-4560, Case No. 4, filed May 22, 1968. Applicant: BISHOP MOTOR EXPRESS, INC., 607 Century Avenue SW., Grand Rapids, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. 48021. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except those of unusual value, high explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Grand Rapids and Muskegon as an alternate route serving no intermediate points but serving the off-route points already authorized of Lisbon, Gooding, Moorland, Sullivan, Muskegon Heights, Conklin, Harrisburg, and Ravenna, Mich.: From Grand Rapids over Michigan Highway 37 to Junction with Michigan Highway 46, thence via Michigan Highway 46 to Muskegon, and return over the same route. Both intrastate and interstate authority sought.

*HEARING:* Monday, July 1, 1968, at 9:30 a.m., Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. 48913. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4725 (Sub-No. 5), filed May 27, 1968. Applicant: JAMES H. LOFTON, doing business as CHICKASAW MOTOR LINE, 111 Tredco Drive, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation *of General commodities* (except household goods and commodities in bulk), between points in Shelby (except Millington), Fayette, and Hardeman Counties, Tenn. Both intrastate and interstate authority sought.

*HEARING:* Friday, July 26, 1968, at 9:30 a.m., Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, C-1-110 Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-6862, filed April 22, 1968. Applicant: FRANK L. BROWN, doing business as BROWN THE MOVER, 4 Lenore Road, Buffalo, N.Y. 14226. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Certificate of public convenience and necessity sought to operate a common carrier of property as follows: Transportation of *office machines, accessories, and parts,* from the city of Buffalo to all points in Alleghany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, N.Y., Returned rejected and traded-in merchandise of the same description in the reverse direction. Both interstate and intrastate authority is sought.

*HEARING:* No date has been assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
*Secretary.*

[F.R. Doc. 68-6893; Filed, June 11, 1968; 8:47 a.m.]

[Notice 502]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 7, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described

may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 35), PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604, filed May 28, 1968. Carrier's representative: Alfred G. Krebs, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over Interstate Highway 90 to Syracuse, N.Y., thence over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Baltimore, Md., over U.S. Highway 111 to Towson, Md., thence over Maryland Highway 45 to the Maryland-Pennsylvania State line, thence over unnumbered highway (formerly portion U.S. Highway 111) via Shrewsburgy and Loganville, Pa., to junction U.S. Highway 111, thence over U.S. Highway 111 via York, Pa., to junction unnumbered highway (formerly portion U.S. Highway 111), thence over unnumbered highway via New Cumberland, Pa., to Lemoyne, Pa., thence across the Susquehanna River to Harrisburg, Pa., thence over Pennsylvania Highway 14 to Halls, Pa., thence over U.S. Highway 220 to Williamsport, Pa., thence over U.S. Highway 1 to Mansfield, Pa., thence over U.S. Highway 6 to Kane, Pa., (2) from Erie, Pa., over Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence over New York Highway 5 to Syracuse, N.Y., (3) from Westfield, N.Y., over New York Highway 17 to Owego, N.Y., then over New York Highway 17C to Binghamton, N.Y., thence over U.S. Highway 11 to Syracuse, N.Y.

(4) From Youngstown, Ohio, over U.S. Highway 62 to Oil City, Pa., thence over Pennsylvania Highway 8 to Union City, Pa., thence over U.S. Highway 6 via Kane, Pa., to junction U.S. Highway 219, thence over U.S. Highway 219 to Salamanca, N.Y., (5) from Erie, Pa., over Pennsylvania Highway 97 to Waterford, Pa., thence over U.S. Highway 19 to Mercer, Pa., (6) from Deerfield, Ohio, over U.S. Highway 224 to Canfield, Ohio, thence over U.S. Highway 62 to Youngstown, Ohio, thence over U.S. Highway 422 to the Ohio-Pennsylvania State line, thence over unnumbered highway (formerly portion U.S. Highway 422) via New Bedford, Pa., to junction U.S. Highway 422, thence over U.S. Highway 422 via New Castle, Pa., to junction U.S. Highway 19, thence over U.S. Highway 19 to Portersville, Pa., thence over unnumbered highway (formerly portion U.S. Highway 422) via Prospect, Pa., to junction U.S. Highway 422, thence over U.S. Highway 422 via Butler, Pa., to junction unnumbered highway (formerly portion U.S. Highway 422), thence over unnumbered highway via Coyleville, to Worthington, Pa., thence over U.S. Highway 422 to Indiana, Pa., thence over U.S. Highway 119 to Homer City, Pa., thence over Pennsylvania Highway 56 to junction unnumbered highway (formerly portion Pennsylvania Highway 56) at or near Scalp Level, Pa., thence over unnumbered highway via Scalp Level, Paint, Windber, and Rummel, Pa., to junction Pennsylvania Highway 56, thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 via Bedford, Pa., to Cumberland, Md., thence over U.S. Highway 40 to Hagerstown, Md., thence over alternate U.S. Highway 40 to junction U.S. Highway 40 west of Frederick, Md., thence over U.S. Highway 40 to Frederick, Md., thence over Maryland Highway 144 to junction U.S. Highway 40 east of Frederick, thence over U.S. Highway 40 to junction Maryland Highway 144, thence over Maryland Highway 144 to Baltimore, Md., (7) from Akron, Ohio, over Ohio Highway 8 to Lakemore, Ohio, thence over U.S. Highway 224 to Deerfield, Ohio, thence over Ohio Highway 14A to Columbiana, Ohio, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to junction Pennsylvania Highway 168, thence over Pennsylvania Highway 168 to Darlington, Pa., thence return over Pennsylvania Highway 168 to junction Pennsylvania Highway 51, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore, Md., and (8) from York, Pa., over U.S. Highway 30 to Gettysburg, Pa., and return over the same routes.

No. MC 2202 (Deviation No. 103), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309, filed May 28, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 41 to junction Illinois Highway 176, thence over Illinois Highway 176 to Marengo, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Chicago, Ill., and Marengo, Ill., over U.S. Highway 20.

No. MC 28008 (Deviation No. 1), MIDWEST FREIGHT FORWARDING COMPANY, INC., 3220 South Wolcott Avenue, Chicago, Ill. 60608, filed May 29, 1968. Carrier representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 80 (Indiana Toll Road) to junction the Ohio Turnpike at the Indiana-Ohio State line, thence over the Ohio Turnpike to junction the Pennsylvania Turnpike at the Ohio-Pennsylvania State line, thence over the Pennsylvania Turnpike to junction the New Jersey Turnpike at the Pennsylvania-New Jersey State line, thence over the New Jersey Turnpike to Newark, N.J., (2) from Chicago, Ill., over Interstate Highway 80 (Indiana Toll Road) to junction Ohio Turnpike at the Indiana-Ohio State line, thence over the Ohio Turnpike to junction Interstate Highway 80S near Youngstown, Ohio, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to junction U.S. Highway 11 near Harrisburg, Pa., thence over U.S. Highway 11 to junction U.S. Highway 22 (Interstate Highway 78), thence over U.S. Highway 22 to junction Interstate Highway 78, thence over Interstate Highway 78 to Newark, N.J., (3) from New York, N.Y., over the Cross-Bronx Expressway to junction the New York Throughway, thence over the New York Throughway to junction the Connecticut Turnpike at the New York-Connecticut State line, thence over the Connecticut Turnpike to Bridgeport, Conn., and (4) from New York, N.Y., over the Major Deegan Expressway to junction the New York Throughway, thence over the New York Throughway to junction the Connecticut Turnpike at the New York-Connecticut State line, thence over the Connecticut Turnpike to Bridgeport, Conn., and return over the same routes, for operating convenience only, with the two routes in (4) and (5) used in conjunction with traffic moving between Chicago, Ill., and Bridgeport, Conn. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows:

(1) From Chicago, Ill., over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Ohio Highway 300, thence over Ohio Highway 300 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over Ohio Highway 2 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Pennsylvania Highway 5, near Erie, Pa., thence over Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence over New York Highway 5 to junction U.S. Highway 20 near Silver Creek, N.Y. (also from junction U.S. Highway 20 and Pennsylvania Highway 5 over U.S. Highway 20 to junction New York Highway 5), thence over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Albany, N.Y., thence

over U.S. Highway 9W to New York, N.Y. (also from Albany over U.S. Highway 9 to New York), (2) from Chicago, Ill., over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction U.S. Highway 422, thence over U.S. Highway 522 to junction U.S. Highway 22, thence over U.S. Highway 22 to New York, N.Y., (3) from Chicago, Ill., over the route described in (2) to junction Ohio Highway 18 and U.S. Highway 224, thence over U.S. Highway 224, thence over U.S. Highway 224 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the Philadelphia, Pa., exit, thence over U.S. Highway 1 to New York, N.Y., (4) from Chicago, Ill., over U.S. Highway 20 to the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the route described in (3) above to New York, N.Y., (5) from Chicago, Ill., over the route described in (1) above to Cleveland, Ohio, thence over Ohio Highway 2 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Pennsylvania Highway 8, thence over Pennsylvania Highway 8 to junction Pennsylvania Highway 89, thence over Pennsylvania Highway 89 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 22, thence over U.S. Highway 22 to New York, N.Y., and (6) from New York, N.Y., over U.S. Highway 1 to Bridgeport, Conn., and return over the same routes.

No. MC 61440 (Deviation No. 14), LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Oklahoma City, Okla. 73108, filed May 27, 1968. Carrier's representative: Richard H. Champlin, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 66 (Interstate Highway 55) and Interstate Highway 80 at or near Joliet, Ill., over Interstate Highway 80 to junction U.S. Highways 41 and 6, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From St. Louis, Mo., over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Mount Olive, Ill., thence over unnumbered highway via Mount Olive to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near McLean, Ill., thence over unnumbered highway via McLean to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Lexington, Ill., thence over unnumbered highway via Lexington to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Chenoa, Ill., thence over unnumbered highway via Chenoa to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Pontiac, Ill., thence over unnumbered highway via Pontiac to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Odell, Ill., thence over unnumbered highway via Odell to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Dwight, Ill., thence over unnumbered highway via Dwight to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), thence over Illinois Highway 53 via Joliet, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill., (2) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 33, thence over U.S. Highway 33 to Fort Wayne, Ind., thence over U.S. Highway 30 to Delphos, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio (also from Delphos over U.S. Highway 30S to Mansfield), thence over U.S. Highway 30 via East Liverpool, Ohio, to Pittsburgh, Pa., and (3) from Chicago, Ill., over the route described in (2) above to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., and return over the same routes.

No. MC 106943 (Deviation No. 19), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed May 27, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between Indianapolis, Ind., and Fort Wayne, Ind., over Interstate Highway 69, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over Indiana Highway 37 to Huntington, Ind., thence over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route.

No. MC 106943 (Deviation No. 20), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed May 28, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Harrisburg, Pa., over Interstate Highway 78 to junction Interstate Highway 287, near Pluckemin, N.J., thence over Interstate Highway 287 to junction Interstate Highway 80, thence over Interstate Highway 80 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, with certain exceptions, over a pertinent service route as follows: From Harrisburg, Pa., over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 106943 (Deviation No. 21), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed May 28, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over Interstate Highway 79 to junction Interstate Highway 80, thence over Interstate Highway 80 to Cleveland, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Ohio, over U.S. Highway 422 to Butler, Pa., thence over Pennsylvania Highway 8 to Pittsburgh, Pa., and return over the same route.

No. MC 106943 (Deviation No. 22), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed May 28, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and Cincinnati, Ohio, over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Indianapolis, Ind., and Cincinnati, Ohio, over U.S. Highway 52.

No. MC 106943 (Deviation No. 23), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed May 29, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 94 to junction Illinois Highway 394, thence over Illinois Highway 394 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Interstate Highway 65, thence over Interstate Highway 65 to Indianapolis, Ind., thence over Interstate Highway 70 to junction Interstate Highway 76 (Pennsylvania Turnpike), east of Pittsburgh, Pa., thence over Interstate Highway 76 to junction U.S. Highway 11 near Carlisle, Pa., thence over U.S. Highway 11 to Harrisburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Illinois Highway 1A (formerly Illinois Highway 1), to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30N east of Delphos, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over U.S.

Highway 30 via Pittsburgh, Pa., to Irwin, Pa., thence over the Pennsylvania Turnpike to junction U.S. Highway 11 (Middlesex Toll Gate), thence over U.S. Highway 11 to Harrisburg, Pa., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 455) (Cancels Deviation Nos. 428 and 442), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, filed May 27, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 21 and Ohio Highway 82 over Ohio Highway 82 to junction Interstate Highway 77 thence over Interstate Highway 77 to junction Ohio Highway 176, southeast of Ghent, Ohio, (2) from Akron, Ohio, over Interstate Highway 77 to Canton, Ohio, (3) from Canton, Ohio, over Interstate Highway 77 to junction Tuscarawas County Road 53, thence over Tuscarawas County Road 53 to junction U.S. Highway 21 at Stone Creek, Ohio, (4) from Strasburg, Ohio, over U.S. Highway 21 to junction Interstate Highway 77, (5) from Dover, Ohio over Ohio Highway 39 to junction Interstate Highway 77, (6) from New Philadelphia, Ohio, over U.S. Highway 21 to junction Interstate Highway 77, from junction Ohio Highway 541 and U.S. Highway 21, over Ohio Highway 541 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction U.S. Highway 21 near Mineral Wells, W. Va., (8) from Cambridge, Ohio, over U.S. Highway 22 to junction Interstate Highway 77.

(9) from Cambridge, Ohio over U.S. Highway 40 to junction Interstate Highway 77 (10) from junction Interstate Highway 70 and U.S. Highway 21 south of Cambridge, Ohio, over Interstate Highway 70 to junction Interstate Highway 77, (11) from junction Ohio Highway 313 and U.S. Highway 21 over Ohio Highway 313 to junction Interstate Highway 77, (12) from junction U.S. Highway 21 and Interstate Highway 77, north of Caldwell, Ohio, over U.S. Highway 21 to Caldwell, Ohio, (13) from junction Ohio Highway 78 and U.S. Highway 21 just south of Caldwell, Ohio, over Ohio Highway 78 to junction Interstate Highway 77, (14) from Macksburg, Ohio, over Washington County Road 301 to junction Interstate Highway 77, (15) from Marietta, Ohio over U.S. Alternate Highway 50 to junction Interstate Highway 77, (16) from Parkersburg, W. Va., over U.S. Highway 50 to junction Interstate Highway 77, (17) from Sandville, W. Va., over West Virginia Highway 56 to junction Interstate Highway 77 thence over Interstate Highway 77 to junction U.S. Highway 21, 3 miles north of Pocatalico, W. Va., and (18) from Ripley, W. Va., over U.S. Highway 33 to junction Interstate Highway 77, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Cleveland over Ohio Highway 8 via Bedford and Akron, Ohio, to Dover, Ohio, thence over U.S. Highway 250 to New Philadelphia, Ohio;

(2) from Cleveland over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 5 to junction U.S. Highway 21, and thence over U.S. Highway 21 via Navarre, Dover, and New Philadelphia, Ohio, to Marietta (also from Cleveland over Ohio Highway 176 to junction U.S. Highway 21); (3) from Jassillon over U.S. Highway 30 to Canton; (4) from Richfield over Ohio Highway 303 to junction Ohio Highway 176; (5) from junction Ohio Highway 176 and Oaks Road over Oaks Road to junction U.S. Highway 21; (6) from Massillon, Ohio, over Ohio Highway 241 via Greensburg to Akron, Ohio, (7) from Cleveland over New U.S. Highway 21 (Willow Freeway) to junction Rockside Road just north of Independence, and (8) from Bridgeport, Ohio, over Ohio Highway 7 to Belpre, Ohio, thence across the Ohio River to Parkersburg, W. Va., thence over U.S. Highway 21 to Ripley, W. Va., thence over relocated U.S. Highway 21 to Fairplain, W. Va., thence over U.S. Highway 21 via Oak Hill and Glen Jean to Beckley, W. Va., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-6894; Filed, June 11, 1968; 8:47 a.m.]

[Notice 1188]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 7, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 117) (Amendment), filed May 8, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished as amended, this issue. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: R. J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) Regular routes: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between Hendersonville, N.C., and junction Interstate Highways 26 and 85: From Hendersonville over U.S. Highway 64 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction North Carolina Highway 108, thence over North Carolina Highway 108 to junction Interstate Highway 26, thence over Interstate Highway 26 to junction Interstate Highway 85, near Spartanburg, S.C., and return over the same route, serving all intermediate points, and serving the junction of Interstate Highway 26 and Interstate Highway 85 for purpose of joinder only; (2) between Newport and Tazewell, Tenn., over U.S. Highway 25E, serving all intermediate points, and (3) between Harlan, Ky., and junction new U.S. Highway 119 and old U.S. Highway 119 over new U.S. Highway 119 approximately 3 miles west of Harlan, serving all intermediate points. (Applicant respectfully requests that simultaneously with the granting of the authority sought in (3) above, that its presently held authority over old U.S. Highway 119 between Harlan, Ky., and junction old U.S. Highway 119 and new U.S. Highway 119 be revoked), and (B) Irregular routes: Passengers and their baggage, in charter operations, between points on the above-described routes, to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. The purpose of this republication is to add "serving the junction of Interstate Highways 26 and 85 for purpose of joinder only" to (1) above.

*HEARING:* Continued hearing on July 15, 1968, at 9:30 a.m., d.s.t. (or 9:30 a.m., U.S.s.t., if that time is observed), before Examiner Samuel Horwich, at Spartanburg, S.C., at the Ramada Inn.

No. MC 118282 (Sub-No. 5) (Republication), filed March 21, 1966, published FEDERAL REGISTER issue of April 14, 1966, and republished this issue. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. Applicant's representative: Guy H. Postell, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. By order dated May 20, 1968, applicant's name was changed from Nurseryman Supply, Inc., to Johnny Brown's Inc. By application filed March 21, 1966, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of preengineered, or prefabricated buildings, including school class-room buildings, complete and incomplete, from Miami, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia,

Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. A decision and order of the Commission, Review Board Number 4, dated May 23, 1968, and served June 3, 1968, finds that operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of (1) building materials as defined by the Commission in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 279, and (2) of new furniture (uncrated), as defined by the Commission in appendix II to the report in the descriptions case above, and (3) carpets and carpeting, and (4) tools for use in constructing and erecting buildings of the materials in (1) above, and for use in installing furnishings in (2) and (3) above, from the plantsite of Panelfab, Inc., in Miami, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia (except Atlanta, Ga.), Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New York, New Jersey, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Chattanooga and Nashville, Tenn.), Texas, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plantsite of Panelfab, Inc., in Miami, Fla., and destined to the said destination points, and subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to assure that applicant's operations shall conform to the provisions of section 210 of the Act. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 44592 (Sub-No. 27) (Correction), filed May 16, 1968, published FEDERAL REGISTER issue of June 5, 1968, under No. MC 44592 (Sub-No. 28), and republished as corrected this issue. Applicant: MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. 06050. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Chagrin Falls, Ohio, on the one hand, and, on the other, points in Ohio, restricted to the transportation of shipments moving to, from, or through Chagrin Falls, Ohio. NOTE: Applicant states that as an alternative, if the Commission does not see fit to grant irregular route service as described above, applicant seeks to transport over regular routes as follows: *General commodities*, serving points in Ohio as off-route points in connection with carrier's service over authorized regular routes, restricted to the transportation of shipments moving to, from, or through Chagrin Falls, Ohio. Applicant indicates tacking at Chagrin Falls, Ohio, with its proposed regular-route authority between Chagrin Falls and Cleveland, Ohio, embraced in MC–F–10128, and with its existing authority between Cleveland, Ohio, and other authorized points. This application is a matter directly related to MC–F–10128, published in FEDERAL REGISTER issue of May 29, 1968. It seeks to convert the certificate of registration of Suter, Inc., MC–61117 (Sub-No. 3) into a certificate of public convenience and necessity. Applicant intends to eliminate any duplicate authority. The purpose of this republication is to show the correct docket number assigned thereto, MC 44592 (Sub-No. 28) in lieu of MC 44592 (Sub-No. 27), which Sub No. was in error. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceeding with respect thereto (49 CFR 1.240).

No. MC–F–10136. (Correction) (GORDONS TRANSPORTS, INC.—Purchase (Portion)—EUGENE PIKOVSKY; GORDONS TRANSPORTS, INC.—Control and Merger—HYMAN MOTOR SERVICE CO.), published in the May 29, 1968, issue of the FEDERAL REGISTER, on page 7846. This corrected notice is to include attorney for EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO. Vendor's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. NOTE: This corrected notice will not alter the due date for filing protest.

No. MC–F–10144. Authority sought for purchase by WATKINS CAROLINA EXPRESS, INC., Post Office Box 10188, Federal Station, Greenville, S.C. 29603, of a portion of the operating rights of WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33802, and for acquisition by WATKINS MOTOR LINES, INC., also of Lakeland, Fla., and, in turn by BILL WATKINS, Post Office Box 1738, Atlanta, Ga. 30301, of control of such rights through the purchase. Applicants' attorney and representatives: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303, Bill Watkins, Post Office Box 1738, Atlanta, Ga. 30301, and George W. Clapp, Post Office Box 10188, Greenville, S.C. 29603. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, bakery products and containers, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurous or contaminating to other lading, as a *common carrier*, over regular routes, between New York, N.Y., and New Brunswick, N.J., between New York, N.Y., and Philadelphia, Pa., serving all intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, alcoholic liquors, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Philadelphia, Pa., and Cape May, N.J., serving all intermediate points, and the off-route point of Wildwood, N.J.; *general commodities*, except classes A and B explosives, articles requiring special equipment, and household goods as defined by the Commission, between Bridgeton, N.J., and Port Norris-Bivalve, N.J., serving all intermediate points, and the off-route point of Dorchester, N.J.;

*General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, between points in Cumberland, Gloucester, and Salem Counties, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, Philadelphia, Pa., Wilmington, Del., and Baltimore, Md., between points in the New York, N.Y., commercial zone, as defined by the Commission, Baltimore, Md., Philadelphia, Pa., and Wilmington, Del.; *reinforced concrete products*, from Berlin and Williamstown Junction, N.J., to Washington, D.C., and points in Connecticut, Delaware, Maryland, New York, Pennsylvania, and Virginia; and *materials, supplies, and equipment* used in the manufacture of reinforced concrete products, and *damaged and defective shipments* of such commodities, from Washington, D.C., Greensboro, N.C., and points in Connecticut, Delaware, Maryland, New York, Pennsylvania, and Virginia, to Berlin and Williamstown Junction, N.J. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, and Georgia. Application has been filed for temporary authority under section 210a(b). NOTE: The Application for temporary authority under section 210a(b) seeks approval to temporarily control also FLEMING'S TRANSFER and SOUTHERN EXPRESS, INC. See MC–F–10122 (WATKINS CAROLINA EXPRESS, INC.—CONTROL & MERGER—FLEMING'S TRANSFER)

and MC–F–10135 (WATKINS CAROLINA EXPRESS, INC.—MERGER—SOUTHERN EXPRESS, INC.), published in the May 22, 1968, and May 29, 1968, issues of the FEDERAL REGISTER, on pages 7610 and 7845, respectively.

No. MC–F–10146. Authority sought for purchase by CLEMANS TRUCK LINE, INC., 815 West Sample Street, South Bend, Ind. 46621, of the operating rights and property of WHITE MOTOR EXPRESS, INCORPORATED, 721 South Third Street, Nashville, Tenn. 37206, and for acquisition by ARTHUR C. CLEMANS, also of South Bend, Ind., of control of such rights and property through the purchase. Applicants' attorneys: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204, and Richard Gleaves, 833 Stallman Building, Nashville, Tenn. 37201. Operating rights sought to be transferred: *General commodities,* as a *common carrier,* over regular routes, between Nashville, Tenn., and Lafayette, Tenn., serving the intermediate points within 5 miles of Lafayette, over one alternate route for operating convenience only; *general commodities,* except classes A and B explosives, between Nashville, Tenn., and Westmoreland, Tenn., serving no intermediate points; *general commodities,* except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment, between Nashville, Tenn., and Lancaster, Tenn., serving all intermediate points except Lebanon, Tenn., and points between Lebanon and Nashville, Tenn., with restriction, over one alternate route for operating convenience only; *general commodities,* except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular and irregular routes, between Louisville, Ky., and Lebanon, Tenn., serving all intermediate points in Tennessee, and the off-route point of Laguardo, Tenn., with connecting service, over irregular routes, between certain specified points in Tennessee, on the one hand, and, on the other, points on the above boundary route. Vendee is authorized to operate as a *common carrier* in Michigan, Indiana, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10147. Authority sought for control by E. J. SCANNELL, INC., 151 Linwood Street, Somerville, Mass. 02143, of CENTRAL STATES TRANSPORTATION, CO., INC., 90 Bristol Street, Cambridge, Mass. 02139, and for acquisition by HARLYN CORPORATION, also of Somerville, Mass., and, in turn by EVELYN B. SILVER, 24 Central Part South, New York, N.Y., of control of CENTRAL STATES TRANSPORTATION, CO., INC., through the acquisition by E. J. SCANNELL, INC. Applicants' representative: Martin Sterenbuch, 1819 H Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Boston, Mass., and Buffalo, N.Y., serving the intermediate and off-route points of Little Falls, Mass., Utica, Syracuse, and Rochester, N.Y., restricted to westbound traffic only; Pittsfield, Framingham, Springfield, Worcester, Westfield, Marlboro, Westboro, and North Grafton, Mass., restricted to eastbound traffic only; Niagara Falls, N.Y., and Brockton and Milford, Mass., and those within 10 miles of Boston, Mass., and those within 10 miles of Buffalo, N.Y.; *roofing materials,* over irregular routes, from East Walpole, Mass., to certain specified points in New York; *floor covering,* from East Walpole, Mass., to certain specified points in New York, and Erie and Scranton, Pa.; and *paper,* from East Walpole, Mass., to Rochester and Little Falls, N.Y., from West Dudley, Mass., to Rochester, N.Y., from Pawtucket, R.I., to Rochester, N.Y. E. J. SCANNELL, INC., is authorized to operate as a *common carrier* in Maryland, Massachusetts, Connecticut, New Jersey, New York, Delaware, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10148. Authority sought for purchase by UNIT TRANSPORTATION, INC., Box 86, Ford Boulevard and North Fifth Street, Hamilton, Ohio 45011, of a portion of the operating rights of McDOWELL TRUCK LINE, INC., 2310 West 78th Street, Chicago, Ill. 60620, and for acquisition by ROBERT J. FREW and MARGARET E. FREW, both of 147 Gregory, Hamilton, Ohio, of control of such rights through the purchase. Applicants' attorneys: Kenneth T. Johnson and Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Operating rights sought to be transferred: *Paper and paper products,* as a *common carrier,* over regular routes, from Hamilton, Ohio, to Erie, Pa., Rochester and Buffalo, N.Y., with restriction; and *steel strapping, paper and paper products, and materials and supplies,* used in the manufacture and shipping of paper and paper products, from Erie, Pa., Rochester and Buffalo, N.Y., and Toledo, Ohio, to Hamilton, Ohio, with restriction. Vendee is authorized to operate as a *common carrier* in points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b). NOTE: See also MC–F–10105 (SCHNEIDER TRANSPORT & STORAGE, INC.—PURCHASE (PORTION)—McDOWELL TRUCK LINE, INC., published in the May 1, 1968, issue of the FEDERAL REGISTER, on page 6693, and MC–F–10119 GRAFF TRUCKING CO. — PURCHASE (PORTION) — McDOWELL TRUCK LINE, INC., published in the May 8, 1968, issue of the FEDERAL REGISTER, on page 6955.

No. MC–F–10149. Authority sought for purchase by MAUK'S TRANSFER, INC., Box 129, Atlantic, Iowa 50022, of the operating rights and property of WILBERT MAUK, doing business as MAUK'S TRANSFER, Box 63, Griswold, Iowa 51535, and for acquisition by ALVA E. MAUK, West Second Street, Atlantic, Iowa, of control of such rights and property through the purchase. Applicants' attorneys: Robert E. Dreher and Richard A. Miller, 212 Equitable Building, Des Moines, Iowa 50309. Operating rights sought to be transferred: *Livestock, agricultural implements, building materials, feed, seeds, grain, salt, binder twine, and furniture,* as a *common carrier,* over irregular routes, between Griswold, Iowa, and points within 25 miles thereof on the one hand, and, on the other, Omaha, Nebr. Vendee is authorized to operate as a *contract carrier* in Colorado, Illinois, Minnesota, Nebraska, South Dakota, Wisconsin, Kansas, Missouri, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10150. Authority sought for purchase by SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306, of a portion of the operating rights of AUSTGEN EXPRESS & STORAGE COMPANY, 56 East 25th Street, Chicago Heights, Ill., and for acquisition by AL J. SCHNEIDER, AGNES SCHNEIDER, both of 812 Stuart Street, Green Bay, Wis., and DONALD J. SCHNEIDER, 836 Neufeld Street, Green Bay, Wis., of control of such rights through the purchase. Applicants' attorney: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Operating rights sought to be transferred: *General commodities,* except classes A and B explosives, livestock, commodities of unusually bulky nature and unusually heavy machinery, as a *common carrier,* over regular routes, between Chicago, Ill., and Wilmington, Ill., between Chicago, Ill., and junction Illinois Highway 4A and Alternate U.S. Highway 66, near Lockport, Ill., between junction U.S. Highway 30 and 45 (near Frankfort, Ill.), and Chicago Heights, Ill., serving all intermediate points, between Chicago, Ill., and Kankakee, Ill., serving no intermediate points; and *general commodities,* excepting, among others, household goods and commodities in bulk, over irregular routes, between Chicago Heights, Ill., on the one hand, and, on the other, points in the Chicago, Ill., commercial zone. Vendee is authorized to operate as a *common carrier* in Wisconsin, Michigan, Illinois, Indiana, Iowa, Kansas, Kentucky, North Dakota, Ohio, Pennsylvania, South Dakota, New York, New Jersey, Minnesota, Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Louisiana, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: If a hearing is deemed necessary, applicants request that it be held at Chicago, Ill.

No. MC–F–10151. Authority sought for purchase by ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. 57101, of a portion of the operating rights of TAKIN BROS.

FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50704, and for acquisition by BUFFALO EXPRESS, INC., and, in turn by H. LAUREN LEWIS, both of Post Office Box 769, Sioux Falls, S. Dak. 57101, of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80203. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Chicago, Ill., and Des Moines, Iowa, serving all intermediate points in Iowa, without restriction; with restrictions. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, Nebraska, Illinois, North Dakota, and Wisconsin. Application has been filed for temporary authority under section 210a (b). NOTE: MC–22278 Sub 37 is a matter simultaneously filed.

PASSENGERS

No. MC–F–10145. Authority sought for (1) purchase by BRIDGETON TRANSIT, 690 North Pearl Street, Bridgeton, N.J. 08302, of the operating rights of (A) RED ARROW LINES, INC., 234 Bryn Mawr Avenue, Bryn Mawr, Pa. 19010, and (B) C. & S. TRANSIT, INC., 690 North Pearl Street, Bridgeton, N.J. 08302; and (2) control by RED ARROW INDUSTRIES, INC., 234 Bryn Mawr Avenue, Bryn Mawr, Pa. 19010, of BRIDGETON TRANSIT, 690 North Pearl Street, Bridgeton, N.J. 08302. Applicants' attorney and representative: Santo J. Salvo, 1 Elizabeth Avenue, Millville, N.J. 08332, and F. Theodore Massoth, 1180 Raymond Boulevard, Newark, N.J. 07102. Operating rights sought to be (1) transferred; and (2) controlled: (1) (A) Passengers and their baggage, in the same vehicle with passengers, as a *common carrier,* over regular routes, between Medford, N.J., and Vincentown, N.J., serving all intermediate points, and the off-route point of Lake Cotoxen, N.J., between Philadelphia, Pa., and Medford Lakes, N.J., between Ellisburg, N.J., and Kingsway Village, N.J., between junction Kings Highway and Munn Avenue (Old Salem Road), and junction Haddonfield-Berlin Road with Whitman Boulevard and Hillside Lane, both in Cherry Hill Township, N.J., serving all intermediate points; passengers and their baggage, between Ellisburg, N.J., and Kingston Estates, N.J., serving all intermediate points; (1) (B) Passengers and their baggage, restricted to traffic originating and terminating at the same points within the territory indicated, in charter operations, as a *common carrier,* over irregular routes, from Bridgeton, N.J., and points in Cumberland County, N.J., within 15 miles of Bridgeton, and points in Salem County, N.J., east of New Jersey Highway 77 (formerly New Jersey Highway 46), to Alexandria, Va., the District of Columbia, points in Delaware, those in Fairfax and Arlington Counties, Va., those in Pennsylvania south and east of a line beginning at Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, and those in Maryland (except those in Allegany and Washington Counties); and (2) Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier,* over regular routes, between Bridgeton, N.J., and New York, N.Y., serving certain intermediate points; over two alternate routes for operating convenience only; and Migrant workers as defined in section 203(a)(23) of the Interstate Commerce Act, and their baggage in the same vehicle, as a *contract carrier,* over irregular routes, between certain specified points in New Jersey, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: PHILADELPHIA SUBURBAN TRANSPORTATION COMPANY, 69th Street Terminal, Upper Darby, Pa. 19082, a noncarrier controls 100 percent of the stock of RED ARROW LINES, INC., and RED ARROW INDUSTRIES, INC.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-6895; Filed, June 11, 1968; 8:47 a.m.]

[Notice 626]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 7, 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 13134 (Sub-No. 19 TA), filed June 4, 1968. Applicant: GRANT TRUCKING, INC., Post Office Box 256, Star Route 75, Oak Hill, Ohio 45656. Applicant's representative: Thomas V. Martin, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foundry sand additives,* from Wadsworth, Ohio to Bridgeport, Conn., for 180 days. Supporting shipper: International Minerals and Chemical Corp., Administration Center, Skokie, Ill. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 30237 (Sub-No. 15 TA), filed June 4, 1968. Applicant: YEATTS TRANSFER COMPANY, Post Office Box 666, Altavista, Va. 24517. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* as described in appendix II to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Culpeper, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: The Keller Manufacturing Co., Inc., Corydon, Ind. 47112. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 57315 (Sub-No. 10 TA) (correction), filed May 1, 1968, published FEDERAL REGISTER, issue of May 8, 1968 and republished as corrected this issue. Applicant: TRI-STATE TRANSPORT, INC., 40 B Street, South Boston, Mass. 02127. Applicant's representative: Frank J. Weiner, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts,* except liquid commodities when shipped in bulk, in tank vehicles, as described in section A of *appendix I to the report in Descriptions in Motor Carrier Certificates,* 61 M.C.C. 309 and 766, from New Haven, Conn., and Boston, Mass., to points in Massachusetts, from New Haven, Conn., to points in Rhode Island; (2) *frozen foods,* from New Haven, Conn., to points in Massachusetts, and Rhode Island; from Straford and West Haven, Conn., to points in Massachusetts, for 180 days. NOTE: Applicant intends to tack the authority sought herein with its existing authority under MC 57315 (Sub-No. 1). The purpose of this republication is (1) to include tacking information and (2) add 3 shippers which were inadvertently omitted. Supporting shippers: New Haven Cold Storage Corp., 1 Brewery Street, New Haven, Conn. 06511; The

American Packers Exchange, 130 Newmarket Square, Boston, Mass. 02118; Oronoque Orchards, 6911 Main Street, Stratford, Conn.; Lender's Bagel Bakery, 732 Orange Avenue, West Haven, Conn. 06516. Send protests to: Richard D. Mansfield, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 99780 (Sub-No. 12 TA), filed June 4, 1968. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, Ill. 61603. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sausage*, from the plantsite of Bird Provision Co., at or near Pekin, Ill., to points in Iowa, Kansas, Nebraska, and Missouri, for 180 days. Supporting shipper: Bird Provision Co., Pekin, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 103880 (Sub-No. 395 TA), filed June 5, 1968. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's representative: T. J. Bird (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, from Kalamazoo, Mich., to Mount Clemens, Mich., for 120 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla. 74003. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 106194 (Sub-No. 24 TA), filed June 4, 1968. Applicant: HORN TRANSPORTATION, INC., 1119 West 24th Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Large self-propelled, circular irrigation systems* (overhead sprinkler systems), from Denver and Colorado Springs, Colo., to points in Minnesota and *rejected and returned shipments*, on return, for 150 days. Supporting shipper: Enresco, Inc., 602 Fourth Street, Colorado Springs, Colo. 80907. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 108305 (Sub-No. 8 TA), filed June 5, 1968. Applicant: McCARTHY TRANSPORT, INC., 217 Read Street, Post Office Box 1658, Portland, Maine 04103. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, (1) between Portland, Maine, on the one hand, and, on the other, Somerville, Mass., and East Hartford, Conn.; (2) from Portland, Maine, Somerville, Mass., and East Hartford, Conn., to South Kearny, N.J., and (3) *Ingredients, materals, supplies, and equipment* used in the manufacture of bakery products (except commodities in bulk), from Somerville, Mass., and East Hartford, Conn., to Portland, Maine, under a continuing contract and East Hartford, Conn., to Portland, Maine, under a continuing contract or contracts with First National Stores, Inc., Somerville, Mass., for 180 days. Supporting shipper: First National Stores, Inc., 5 Middlesex Avenue, Somerville, Mass. 02145. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 123111 (Sub-No. 3 TA), filed June 5, 1968. Applicant: QUEENSWAY TANK LINES LIMITED, Queensway Road, Chesterville, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid aluminum sulphate*, in tank vehicles, from the international boundary between the United States and Canada on the St. Lawrence River at or near ports of entry of Rooseveltown, Ogdensburg, and Alexandria Bay, N.Y., to points in New York and Vermont, on freight originating at Ottawa, Canada, for 180 days. Supporting shipper: Aluminum Company of Canada, Ltd., 1 Place Ville Marie, Mail: Box 6090, Montreal 3, Canada; Attention: A. K. Archibald, Traffic Manager. Send protests to: District Supervisor Morris H. Gross, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard, West Syracuse, N.Y. 13202.

No. MC 124230 (Sub-No. 9 TA), filed June 4, 1968. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, 420 Dener Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper concentrate*, from points in San Juan County, Utah, to Douglas and Miami, Ariz.; (2) *Sheared scrap metal*, from Albuquerque, N. Mex., and Phoenix, Ariz., to points in San Juan County, Utah, for 150 days. Supporting shipper: Basinere Metals, Post Office Box 89, Hickory, N.C. 28601. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 129465 (Sub-No. 2 TA), filed June 3, 1968. Applicant: D & W REFRIGERATED LTL SERVICE, INC., 875 Reynolds Avenue, Columbus, Ohio. Applicant's representative: Earl J. Thomas, 5844 North High Street, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seafood and seafood products*, moving in mixed shipments with commodities subject to the certificate requirements of the Interstate Commerce Act: (a) From points in the New York, N.Y. commercial zone as described by the Commission and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Kentucky and Ohio; Indianapolis and Fort Wayne, Ind.; St. Louis, Mo.; Pittsburgh, Pa.; and Charlestown, W. Va.; (b) from points in the Philadelphia, Pa., commercial zone as described by the Commission, to Louisville Ky., for 180 days. Supporting shippers: Booth Fisheries, New York, N.Y.; Oceans of the World Eastern, Inc., New York, N.Y.; Fulton Fish Market, Inc., Louisville, Ky. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 129901 (Sub-No. 1 TA), filed June 5, 1968. Applicant: SHERIDAN TRUCK SERVICE CO., 311 Tiffany Building, Eugene, Oreg. 97401. Applicant's representative: L. V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Coos County, Oreg., to Vancouver, Wash., for 120 days. Supporting shipper: Precision Wood Products, Inc., 4303 Fruit Valley Road, Post Office Box 529, Vancouver, Wash. 98660. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129932 (Sub-No. 1 TA), filed June 4, 1968. Applicant: PROCTER J. BAKER, doing business as P. J. BAKER MOBILE HOME SERVICE, 1830 Cushman Street, Fairbanks, Alaska 99701. Applicant's representative: Julian C. Rice, Suite A, Teamsters Building, Post Office Box 516, Fairbanks, Alaska 99701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers, mobile homes, offices, dormitories and residential and commercial buildings, capable of being transported on wheels*, between points in Alaska, for 180 days. Supporting shippers: Carey Homes, Inc., 1830 Cushman Street, Fairbanks, Alaska 99701; Lakeview Trailer Court, Lakeview Drive, Fairbanks, Alaska 99701. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Post Office Box 1532, Anchorage, Alaska 99501.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-6896; Filed, June 11, 1968; 8:47 a.m.]

[Notice 155]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 7, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70485. By order of May 28, 1968, the Transfer Board approved the transfer to Vocell Bus Co., Inc., Billerica, Mass., of the operating rights in certificates Nos. MC–95603, MC–95603 (Sub-No. 1), MC–95603 (Sub-No. 2) and MC–95603 (Sub-No. 3) issued to Ernest T. Vocell, Jr., and Joseph T. Vocell, a partnership, doing business as Vocell Bus Co., Billerica, Mass., authorizing the transportation of passengers, and their baggage, in a regular route operation, and in charter operations, subject to certain conditions, between points in Massachusetts and New Hampshire. Joseph A. Kline, 185 Devonshire Street, Boston, Mass. 02110, attorney for applicants.

No. MC–FC–70488. By order of May 28, 1968, the Transfer Board approved the transfer to M. J. K. Trucking Corp., Pine Island, N.Y., of the operating rights in certificates Nos. MC–105755 (Sub-No. 7), MC–105755 (Sub-No. 9) and MC–105755 (Sub-No. 10) issued April 27, 1953, March 15, 1961, and October 17, 1961, respectively, to Michael Kobylaski, doing business as M. K. Trucking, Pine Island, N.Y., authorizing the transportation of: Fertilizer, bananas, and agricultural limestone, between points in New York, New Jersey, and Maryland. Martin Werner, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC–FC–70521. By order of May 28, 1968, the Transfer Board approved the transfer to William Salie and Cornie Den Ouden, a partnership, doing business as Salie and Den Ouden, Edgerton, Minn., of certificate No. MC–88513, issued January 3, 1939, to William Salie, Edgerton, Minn., authorizing the transportation of: Livestock, between Edgerton, Minn., and Sioux Falls, S. Dak., and Sioux City, Iowa, over specified regular routes. Benjamin Vander Kooi, Post Office Box 118, Luverne, Minn. 56156, attorney for applicants.

No. MC–FC–70536. By order of May 27, 1968, the Transfer Board approved the transfer to John Waller and Raymond Waller, a partnership, doing business as Waller Transfer, Post Office Box 266, Malvern, Iowa 51551, of the operating rights in certificate No. MC–25932 issued October 21, 1944, to John Waller, Raymond Waller, and Robert Waller, a partnership, doing business as Waller Transfer, Malvern, Iowa, authorizing the transportation of livestock, from Malvern, Iowa, and points in Iowa within 25 miles thereof, to Omaha and Nebraska City, Nebr.; general commodities, with exceptions, from Omaha, Nebr., to Malvern, Iowa, and points within 25 miles thereof; building materials, between Malvern, Iowa, on the one hand, and, on the other, Nebraska City and Gretna, Nebr.; household goods and emigrant movables, between Malvern, Iowa, and points in Iowa within 25 miles of Malvern, on the one hand, and, on the other, points in Missouri and Nebraska, within 50 miles of Malvern, Iowa; and livestock, between Malvern, Iowa, and points in Iowa and Nebraska within 25 miles of Malvern, on the one hand, and, on the other, St. Joseph and Kansas City, Mo., and Kansas City, Kans.

No. MC–FC–70539. By order of May 28, 1968, the Transfer Board approved the transfer to Haskell A. Harris, Inc., Waterbury, Conn., of the operating rights in permit No. MC–88000 issued May 31, 1967, to Isadore Dibner and Lewis Dibner, doing business as Haskell A. Harris, Waterbury, Conn., authorizing the transportation of: *Women's and children's dress materials*—and dresses, including those cut to pattern, *accessories* used in the manufacture of dresses and dress materials, and *hangers* for dresses and dress materials, between points in New York and Connecticut. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

[SEAL] H. NEIL GARSON,
*Secretary.*

[F.R. Doc. 68–6897; Filed, June 11, 1968; 8:47 a.m.]

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