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PART I

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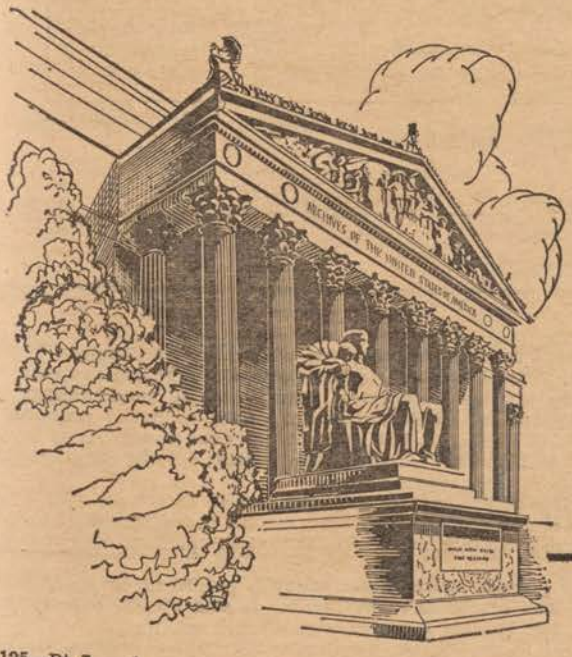

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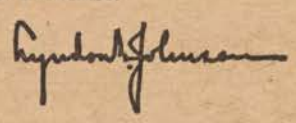
Title 3—THE PRESIDENT

Executive Order 11416

PLACING AN ADDITIONAL POSITION IN LEVEL V OF THE FEDERAL EXECUTIVE SALARY SCHEDULE

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, and as President of the United States, section 2 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by adding thereto the following:

(19) Assistant to the Deputy Secretary of Defense.



THE WHITE HOUSE,
June 24, 1968.

[F.R. Doc. 68-7725; Filed, June 26, 1968; 9:46 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 722—COTTON

Subpart—Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

1968 RATES OF PENALTY

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish the 1968 rates of penalty for excess upland cotton and extra long staple cotton.

It is essential that the penalty rates be made available to producers and cotton buyers as soon as possible. Establishment of such rates involves a mathematical computation in accordance with the statutory formula. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.100 of the regulations for Marketing Quotas for the 1966 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (31 F.R. 6573, 9445, 32 F.R. 9298) is amended by adding the following new paragraph (c) at the end thereof:

§ 722.100 Penalty rate for each crop year.

* * * * *

(c) *1968 crop*—(1) *Upland cotton.* The parity price for upland cotton effective as of June 15, 1968, is 44.53 cents per pound. The rate of penalty for upland cotton produced in 1968 as calculated on the basis of 50 percent of such parity price in accordance with § 722.79 shall be 22.3 cents per pound of upland lint cotton.

(2) *Extra long staple cotton.* The parity price for ELS cotton, effective as of June 15, 1968, is 74.7 cents per pound. The support price of ELS cotton must be within the range of 60 to 90 percent of parity, therefore, 50 percent of parity will always be higher than 50 percent of the support price. Thus, the penalty rate for ELS cotton produced in 1968 shall be 37.3 cents per pound of ELS lint cotton.

(Secs. 346, 347, 375, 63 Stat. 674, as amended, 63 Stat. 675, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1346, 1347, 1375)

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

Signed at Washington, D.C., on June 24, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-7646; Filed, June 26, 1968; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Interpretation

The following interpretation of paragraph 13, Appendix II, of the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502, as amended) is issued (7 CFR 777.13(a)). This interpretation shall be in addition to the interpretation of this paragraph published in the FEDERAL REGISTER of March 21, 1967 (32 F.R. 4305).

The question has been raised by a processor who calculates his certificate liability on the basis of the weight of wheat processed as to whether in making deductions for the weight of wheat removed for shipment, sale, transfer, or other disposition as wheat he can include in the deduction the loss previously incurred in the weight of such wheat as a result of artificial drying in order to permit it to be safely stored.

Paragraph 13 of Appendix II provides for the deduction from certificate liability of the weight of wheat removed from the plant in the form of wheat in the following language:

(13) Enter in item 5G the weight of all wheat removed from the processing plant and from any elevator operated by the processor at the processing plant location servicing the processing plant for shipment, sale, delivery to the owner, transfer to other plants or other dispositions as wheat. Such quantity shall be the gross weight of the wheat removed less any officially determined dockage * * *.

This question arises with respect to computations in reports for wheat received in the processing plant and any elevator operated by the processor at the plant location servicing the plant prior to the first processing report period beginning on and after February 8, 1968, when Amendment 6 to the regulations became effective. The amendment enables a processor who artificially dried wheat to permit it to be safely stored, to calculate the weight of wheat used in processing a food product on the basis of the gross weight, less dockage, after drying. Thus, the amendment provides for a deduction to be made for losses due to artificial drying on all wheat received beginning with the date specified above.

Prior to such amendment, the processor was not permitted to make deductions for losses in the weight of wheat used in processing food products that resulted from artificial drying. However, it was not the intention to preclude a processor from making a deduction for losses in weight through artificial drying applicable to wheat which was removed from the plant as wheat and not used in the processing operation. Accordingly, a processor may include in the weight of wheat which he deducts from his certificate liability under paragraph 13 of Appendix II prior to the period indicated above an adjustment for losses that previously had occurred to the wheat as a result of artificial drying to permit it to be safely stored.

Any processor who wishes to make such an adjustment should submit to the Director, Kansas City ASCS Commodity Office a corrected report for the processing report period involved. If the processor wishes to make an adjustment for more than one period he may file a consolidated corrected report. He should accompany the corrected report with a letter of explanation, together with any evidence he may wish to provide, showing how the figures were computed and demonstrating that the weight adjustment claimed was actually removed from the wheat referred to in paragraph 13 of Appendix II. This interpretation applies to losses resulting from artificial drying through the rise of artificial heat. Specific provision is made in paragraph 14 of Appendix II for allowances to cover normal shrinkage, including shrinkage incurred through aeration.

Signed at Washington, D.C., on June 24, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-7610; Filed, June 26, 1968; 8:46 a.m.]

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

[Valencia Orange Reg. 245]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.545 Valencia Orange Regulation 245.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part

908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 25, 1968.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 28, 1968, through July 4, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 350,000 cartons;

(iii) District 3: 20,000 cartons.

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

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

Dated: June 26, 1968.

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

[F.R. Doc. 68-7740; Filed, June 26, 1968; 8:50 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 70—SPECIAL NUCLEAR MATERIAL

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Special Nuclear Material Status and Transfer Reports

Section 70.54 of Atomic Energy Commission's regulations in 10 CFR Part 70 prescribes a standard transfer and receipting form (Form AEC–388) to be used by Atomic Energy Commission licensees in initiating and receiving shipments of special nuclear material which has been distributed by the Commission pursuant to section 53 of the Atomic Energy Act of 1954, as amended ("the Act"). Section 70.53 of Part 70 requires submission to the Commission of semi-annual reports of receipts, transfers, and inventories of special nuclear material which has been so distributed.

These reports provide information needed by the Atomic Energy Commission in carrying out its responsibility for assuring that special nuclear material is adequately safeguarded in the interest of the common defense and security of the United States. The reports also provide information necessary in billing licensees for use or loss of, and related charges for, special nuclear material leased from the Commission pursuant to section 53 of the Act.

On March 29, 1966, in connection with an overall review of its policies and regulations for safeguarding special nuclear material, the Commission published in the FEDERAL REGISTER (31 F.R. 5075), and invited public comment thereon, proposed amendments of its regulations in Parts 70 and 150 to extend the Commission's existing regulations requiring transfer and status reports on special nuclear material. The amendments of Part 70 proposed at that time would require such reports not only for leased material distributed pursuant to section 53 of the Act but also for all privately-owned special nuclear material; the proposed amendments of Part 150 would prescribe identical reporting requirements with respect to persons licensed by agreement States to receive, possess, and transfer special nuclear material.

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 proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received in response to the notice of proposed rule making, the views of industry representatives offered during industry advisory conferences convened by the Atomic Energy Commission on July 27, 1966, and February 15, 1968, to discuss the proposed amendments, and other factors involved, the Commission has adopted the amendments set forth below.[1]

The principal differences from the amendments published for comment are:

1. Proposed § 70.53 has been revised to require submission of material status reports only by licensees who are authorized to possess at any one time and location a quantity of special nuclear material exceeding 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof. Proposed § 150.16 has been revised to delete the requirement that agreement State licensees submit material status reports, since such licensees are not authorized to possess at any one time and location a quantity of special nuclear material exceeding 350 grams of contained uranium-235; 200 grams of contained uranium-233; 200 grams of plutonium; or prescribed combinations thereof.

2. Proposed § 70.54 and § 150.16 have been revised to require submission of material transfer reports only for transfers involving one (1) gram or more of contained uranium-235, uranium-233, or plutonium, or any combination thereof.

Certain editorial changes have also been made in the amendments set forth below.

While the regulations will not require submission of material status reports by certain licensees and not require submission of transfer reports for certain small shipments of material, the Commission may, as a contractual requirement, require the submission of such reports by any person who possesses AEC-owned special nuclear material for that portion of his inventory. Persons required to submit these reports will be individually notified by the Commission.

The Commission is considering the establishment of a uniform reporting system for obtaining from licensees quantitative data concerning all special nuclear material received, transferred, consumed, and produced, including material distributed to them as contractors and subcontractors of the AEC. New report forms are being developed for this purpose. On February 15, 1968, the Commission convened an industry advisory conference to obtain industry views and comments on proposed modifications to Forms AEC–578 and 388. The suggestions made by the

[1] The new reporting requirements in these amendments have been approved by the Bureau of the Budget.

industry representatives who attended the conference are under consideration. At a later date, the Commission will publish for public comment proposed amendments to §§ 70.53, 70.54, and 150.16 with respect to the new report forms.

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 10 CFR Parts 70 and 150 are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

1. Section 70.53 of 10 CFR Part 70 is revised to read as follows:

§ 70.53 Material status reports.

Each licensee who is authorized to possess at any one time and location special nuclear material in a quantity totaling more than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, shall submit to the Commission on Form AEC–578 reports concerning special nuclear material distributed under lease or loan agreement by the Commission pursuant to section 53 of the Act and received, possessed, transferred, or disposed of by the licensee or for which the licensee is financially responsible to the Commission. In addition, each licensee shall submit to the Commission on a separate Form AEC–578 reports concerning special nuclear material not owned by the Commission, received, produced, possessed, transferred, or disposed of by the licensee. All such reports shall be made as of December 31 and June 30 of each year and shall be filed with the Commission within 30 days after the end of the period covered by the report, except that any licensee who during the 6 months preceding June 30 had losses or burn-up of less than 10 grams of special nuclear material and did not receive or transfer any special nuclear material, or financial responsibility for Commission-owned material, is required to file only an annual report as of December 31. The Commission may permit a licensee to submit Material Status Reports at other times when good cause is shown.

2. Section 70.54 of 10 CFR Part 70 is revised to read as follows:

§ 70.54 Material transfer reports.

Each licensee who transfers and each licensee who receives special nuclear material shall submit to the Commission on Form AEC–388, in accordance with the instructions set out therein, reports concerning each transfer and receipt of special nuclear material involving one gram or more of contained uranium-235, uranium-233, or plutonium, or any combination thereof, (a) which is owned by the Commission and has been distributed under lease or loan agreement by the Commission pursuant to section 53 of the Act, or (b) which is not owned by the Commission. Reports shall separately identify special nuclear material that is owned by the Commission and special nuclear material that is not owned by the Commission. Each report shall be transmitted to the Commission promptly after the transfer takes place.

3. Section 150.10 of 10 CFR Part 150 is revised to read as follows:

§ 150.10 Persons exempt.

Except as provided in § 150.15 and § 150.16, any person in an agreement State who manufactures, produces, receives, possesses, uses, or transfers byproduct material, source material, or special nuclear material in quantities not sufficient to form a critical mass is exempt from the requirements for a license contained in Chapters 6, 7, and 8 of the Act, regulations of the Commission imposing licensing requirements upon persons who manufacture, produce, receive, possess, use or transfer such materials, and from regulations of the Commission applicable to licensees. The exemptions in this section do not apply to agencies of the Federal government as defined in § 150.3.

4. A new § 150.16 is added to 10 CFR Part 150, under the heading "Continued Commission Authority in Agreement States," to read as follows:

§ 150.16 Submission to Commission of material transfer reports.

Each person who receives or transfers special nuclear material pursuant to an agreement State license shall submit to the Commission on Form AEC–388, in accordance with the instructions set out therein, reports concerning each transfer and receipt of special nuclear material involving 1 gram or more of contained uranium-235, uranium-233, or plutonium, or any combination thereof, (a) which is owned by the Commission and has been distributed under lease or loan agreement by the Commission pursuant to section 53 of the Act, or (b) which is not owned by the Commission. Reports shall separately identify special nuclear material that is owned by the Commission and special nuclear material that is not owned by the Commission. Each report shall be transmitted to the Commission promptly after the transfer takes place.

(Sec. 274m, 73 Stat. 688; 42 U.S.C. 2021)

(Secs. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Germantown, Md., this 13th day of June 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 68–7590; Filed, June 26, 1968; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Procedures

On April 25, 1968, the Office of Foreign Direct Investments published a notice of proposed rule making in the FEDERAL REGISTER (33 F.R. 6300–6301) regarding certain amendments to Subpart H—Procedures (§ 1000.801 et seq.) of the Foreign Direct Investment Regulations ("the regulations") (15 CFR Part 1000).

Certain other amendments to the regulations contained herein which relate specifically to § 1000.801 and to the sections formerly designated § 1000.802, §1000.803, and § 1000.804 were not published in proposed form since no material substantive changes were involved in those sections.

After consideration of all such relevant matter as was presented by interested persons with respect to the amendments published in proposed form, such amendments, with certain modifications, and the amendments to the other sections referred to above are hereby adopted as follows:

Subpart H of the regulations is hereby revised in its entirety, and as revised, reads as follows:

Subpart H—Procedures

Sec.

AUTHORITY: The provisions of this Subpart H issued under sec. 5, Act of Oct. 6, 1967, 40 Stat. 415, as amended; 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47.

Subpart H—Procedures

§ 1000.801 Applications for specific authorizations and exemptions.

(a) *Filing.* Transactions subject to the prohibitions contained in this part which are not generally authorized may be effected only under specific authorization. Persons subject to the requirements of this part may be exempted from complying with any requirement thereof only through a specific exemption. Any person may file an application for specific authorization or for specific exemption. Such applications shall contain all relevant information and shall be filed in triplicate with the Director, Office of Foreign Direct Investments, Department

of Commerce, Washington, D.C. 20230. An applicant may furnish additional information or present views concerning the application at any time before a decision has been rendered thereon. The application may include a request that the Director, in his discretion, grant the applicant a conference with the Director or his designee.

(b) *Decisions.* Written notice of action taken on an application shall be given to the applicant. Whenever an application is denied, such notice shall include a brief statement of the grounds therefor.

§ 1000.802 Petitions for reconsideration; appeals.

This section sets forth the procedures applicable to (1) petitions to the Director for reconsideration of administrative actions and (2) appeals to the Foreign Direct Investments Appeals Board (the "Board") from administrative actions and decisions on petitions for reconsideration.

(a) *General provisions.* (1) The term "administrative action" means, with respect to any person, (i) a decision upon an application for a specific authorization or exemption filed by such person, or (ii) any action taken specifically with respect to such person pursuant to the exercise of a discretionary power by the Secretary in accordance with any provision of this part. The term "administrative action" does not include an opinion or ruling interpreting the regulations, or a decision upon a petition for reconsideration or upon an appeal.

(2) Notice of an administrative action or of a decision rendered upon a petition for reconsideration or upon an appeal shall be deemed to have been given on the date when mailed or delivered to the petitioner or appellant: *Provided,* That notice of an administrative action taken prior to the effective date of this section shall be deemed to have been given on such effective date.

(3) A petition for reconsideration shall be deemed filed on the date received by the Office of Foreign Direct Investments. An appeal shall be deemed filed on the date received by the secretary of the Board.

(4) Any person may withdraw a petition for reconsideration or an appeal at any time prior to the date a decision is rendered thereon.

(b) *Petitions for reconsideration.* Any person may petition for reconsideration of an administrative action taken with respect to such person unless such person has previously appealed the same or a related administrative action to the Board and such appeal is then pending or a decision has been rendered thereon. The filing of a petition for reconsideration shall not suspend or stay the effect of the administrative action of which reconsideration is sought unless the Director, in his discretion, so orders.

(1) *Form of petitions.* An original and five copies of the petition for reconsideration and all supporting documents shall be submitted. The petition shall enclose a copy of the administrative action of which reconsideration is asked, and shall state the grounds upon which the petition is based and the relief requested. All facts and argument in support of the petition shall be separately identified and set forth in detail.

(2) *Filing.* A petition for reconsideration of an administrative action shall be filed not later than 20 days after notice of the administrative action is given to the petitioner. It shall be addressed to the Director, Office of Foreign Direct Investments, Ref.: "Petition for Reconsideration," U.S. Department of Commerce, Washington, D.C. 20230. If a petition is withdrawn, the time which has elapsed since notice of the administrative action was given to the petitioner shall not be counted as part of the time allowed for appeal. Requests for extension of time within which to file petitions for reconsideration may be granted in the discretion of the Director.

(3) *Conferences.* The petition may include a request that the Director, in his discretion, grant an informal conference with the Director or his designee.

(4) *Decisions.* The Director may dismiss the petition, may grant or deny the petition in whole or in part, or may modify all or part of the administrative action under reconsideration. Written notice of the decision shall be given to the petitioner.

(c) *Appeals*—(1) *Foreign Direct Investments Appeals Board.* The Foreign Direct Investments Appeals Board is established in the Office of the Secretary. The Board consists of the Assistant Secretary of Commerce for Domestic and International Business (chairman), the Assistant Secretary of Commerce for Economic Affairs and the General Counsel of the Department of Commerce (secretary), or their designated alternates. The Board may, in its discretion, establish rules of procedure in addition to those set forth in this section. Any person may appeal in writing to the Board on the ground that an administrative action with respect to such person or a decision on a petition for reconsideration filed by him exceeded the authority of the Secretary, unless such person has previously filed a petition for reconsideration respecting the same or a related administrative action and no decision has been rendered thereon or the petition has not been withdrawn. The filing of an appeal shall not suspend or stay the effect of the administrative action or decision on the petition for reconsideration under appeal unless the Board, in its discretion, so orders.

(2) *Form of appeals.* An original and ten copies of the appeal and all supporting documents shall be submitted. The appeal shall enclose a copy of the administrative action or decision on the petition for reconsideration from which appeal is made, and shall state the particulars upon which the appeal is based and the relief requested. All facts and argument in support of the appeal shall be separately identified and set forth in detail. The Board may, in its discretion, request an appellant to make an oral presentation to the Board or any member thereof, at a time and place designated by the Board.

(3) *Filing.* Appeals shall be filed with the Board not later than 30 days after notice of the administrative action or decision on the petition for reconsideration has been given to the appellant. Requests for extensions of time within which to file appeals may be granted in the discretion of the Board. Appeals shall be addressed to the Secretary, Foreign Direct Investment Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230.

(4) *Decisions.* The Board may dismiss, grant or deny the appeal in whole or in part or modify all or part of the administrative action or decision on the petition for reconsideration under appeal. Written notice of the Board's decision shall be furnished to the appellant and shall constitute final Departmental action.

§ 1000.803 Proof of authority to file certain documents.

An application for a specific authorization or exemption, a request for an interpretative opinion, a petition for reconsideration or an appeal will not be considered unless in the case of:

(a) A corporation, partnership, trust, or other unincorporated entity, it is executed by a corporate officer, general partner, trustee, or other duly authorized person who shall certify his authority to act on behalf of the entity;

(b) A natural person, it is executed and acknowledged by him; or

(c) Submission by an attorney or agent on behalf of any person, it is accompanied by a duly authorized power of attorney.

§ 1000.804 Amendment, modification, or revocation.

The provisions of this part and any rulings, exemptions, authorizations, instructions, waivers, orders, or forms issued under this part may be amended, modified, or revoked at any time. Unless the Secretary otherwise specifies, the public interest requires that such amendments, modifications, or revocations be made without prior notice.

§ 1000.805 Rules governing availability of information.

(a) Completed Forms FDI–101 and 102, applications and requests for specific authorizations, exemptions or interpretations, petitions for reconsideration, appeals, materials submitted thereunder, and decisions thereon are considered to be matters covered by 5 U.S.C. 552. Other information, records, and material of the Office of Foreign Direct Investments required by 5 U.S.C. 552 to be made available to the public shall be made available in accordance with the provisions of Department Order 64 of the Secretary of Commerce (32 F.R. 9643, July 4, 1967).

(b) Forms FDI–101 and 102 and any other forms used in connection with the Foreign Direct Investment Regulations may be obtained in person from or by writing to the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230, or any Field Office of the Department.

§ 1000.806 **Delegations.**

Any function, duty or authority under this part may be performed or exercised by the Secretary or any person, agency or instrumentality designated by him (directly or indirectly by one or more redelegations of authority) and the term "Secretary" as used in this part shall include any such designated person, agency, or instrumentality, as applicable.

Effective date. The foregoing revision of Subpart H is effective as of June 27, 1968.

HOWARD J. SAMUELS,
Acting Secretary of Commerce.

JUNE 25, 1968.

[F.R. Doc. 68-7706; Filed, June 26, 1968; 8:50 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart M—Regulations Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

OUTSIDE OR PRIVATE EMPLOYMENT

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965 (30 F.R. 6469), Executive Order No. 11408 of April 25, 1968 (33 F.R. 6459), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, the following amendments are made in Subpart M of Part 200 of Chapter II of Title 17 of the Code of Federal Regulations, in order to conform to recent amendments to Civil Service Regulations dealing with Employee Responsibilities and Conduct.

I. Subparagraph (4) of paragraph (b) of § 200.735–4 is amended by inserting in the first clause of the second sentence thereof, immediately after the word "activities", a comma and the following language: "including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service. * * *"

II. Subparagraph (5) of paragraph (b) of § 200.735–4 is amended by inserting in the second sentence thereof immediately following the word "law," the following language: "and notwithstanding the provisions of this paragraph (b) and of § 200.735–3. * * *"

III. Paragraph (c) of § 200.735–4 is amended by adding at the end thereof the following language: "However, the Commission encourages its employees, in off-duty hours and consistent with official responsibilities, to participate, without compensation, in programs to provide legal assistance and representation to indigents. Such participation may include limited appearances in court and on briefs when required in connection with such programs. However, such participation may not involve any activities which are prohibited by law, the Executive orders, Civil Service Commission regulations, or this Subpart M."

As so amended, § 200.735–4 reads as follows:

§ 200.735–4 **Outside or private employment.**

* * * * *

(b) * * *

(4) The Commission encourages employees to engage in teaching, lecturing, and writing activities with or without compensation. However, no employee shall engage in any such activities, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, which are prohibited by law, the Executive orders, Civil Service Commission regulations, or the rules in this subpart; or which are dependent on information obtained as a result of the employee's Government employment, except when that information has been made available to the general public or will be made available on request, or when the Commission gives formal approval for the use of nonpublic information on the basis that the use thereof is in the public interest.[7]

(5) As required by Decision B–128527 of the Comptroller General dated March 7, 1967, travel expenses and subsistence of a member or employee who performs official travel under Commission orders must be paid from the Commission's appropriation. Unless prohibited by law, and notwithstanding the provisions of this paragraph (b) and of § 200.735–3, a member or employee who performs travel while on annual leave or while in a nonofficial duty status (administrative leave), may accept such bona fide reimbursement for actual expenses for travel and necessary subsistence from private sources as is compatible with these rules, provided no Government payment or reimbursement is made for any such expenses. However, a member or employee may not be reimbursed, and payment may not be made on his behalf, in any case for excessive personal living expenses, gifts, entertainment, or other personal benefits.

* * * * *

(c) No employee shall appear in court or on a brief in a representative capacity (with or without compensation) or otherwise accept or perform legal, accounting, engineering, or similar professional work, unless specifically authorized to do so by the Commission. Acceptance of a forwarding fee shall be deemed to be within the foregoing prohibition. As a matter of general policy, outside or private professional work or practice by the staff is discouraged and only in unusual cases or circumstances will it be authorized. However, the Commission encourages its employees, in off-duty hours and consistent with official responsibilites, to participate, without compensation, in programs to provide legal assistance and representation to indigents. Such participation may include limited appearances in court and on briefs when required in connection with such programs. However, such participation may not involve any activities which are prohibited by law, the Executive Orders, Civil Service Commission regulations, or this Subpart M.[8]

* * * * *

The foregoing amendments were approved by the Civil Service Commission with respect to subparagraph (4) of paragraph (b) pursuant to FPM Letter No. 735–4 of May 21, 1968 and with respect to the remainder by letter of May 20, 1968. The foregoing amendments were approved by the Securities and Exchange Commission on June 21, 1968.

Since this Subpart M relates solely to the Commission's internal management and personnel, the Commission finds that the procedures specified in 5 U.S.C. 553 are unnecessary.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 21, 1968.

[F.R. Doc. 68-7603; Filed, June 26, 1968; 8:46 a.m.]

[Release IC–5409]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

General Requirements of Papers and Applications

On March 20, 1968, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5318) (in the FEDERAL REGISTER on March 26, 1968 (33 F.R. 4984)) that it had under consideration the adoption of an amendment to Rule 0–2 (17 CFR 270.0–2) under the Investment Company Act of 1940 ("Act") and invited all interested persons to submit their views and comments upon the proposal. No views or comments have been received by the Commission in response to the release. Accordingly, the Commission has determined to adopt the amendment to Rule 0–2 (17 CFR 270.0–2) as originally proposed and as set forth below.

Rule 0–2 (17 CFR 270.0–2) under the Act sets forth the general requirements of papers and applications to be filed with the Commission under the Act. Paragraph (b) of Rule 0–2 (17 CFR 270.0–2) requires that every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed, and every amendment to such application shall be filed in triplicate. Paragraph (f) of Rule 0–2 (17 CFR 270.0–2) provides that any application may state that the applicant offers the application in evidence

at any hearing on such application, and that if such offer is made, the application shall be received in evidence at the hearing as proof in support of the allegations therein without the necessity of the applicant appearing and introducing further evidence, unless counsel for the Commission or an interested person objects. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Rule 0–2(b) (17 CFR 270.0–2(b)) is amended by deleting the requirement that every application be filed in triplicate and substituting the requirement that every application be filed in quintuplicate. The purpose of this amendment is to expedite the processing procedure by providing sufficient working copies of the application for the persons responsible for its review.

Rule 0–2 (17 CFR 270.0–2) is also amended by revoking paragraph (f) so that an application may no longer state that the applicant offers the application in evidence at any hearing on such application. The purpose of this amendment is to bring Rule 0–2 (17 CFR 270.0–2) more closely in line with the hearing procedures which have developed since paragraph (f) was adopted in 1940. At that time a hearing was held on every application, and the purpose of paragraph (f) was to expedite the hearing where neither the staff nor any interested person questioned or opposed the application, by permitting the applicant to offer the application in evidence at the hearing as proof in support of the allegations therein without the necessity of the applicant appearing and introducing further evidence. However, more recently, a new procedure has been followed under which the Commission orders a hearing, upon the request of any interested person or upon its own motion, only if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors. In connection with such a hearing, the counsel for the Commission usually objects to the admission in evidence of the application pursuant to paragraph (f), and the consent is, therefore, generally of no significance.

Rule 0–2 (17 CFR 270.0–2) is further amended by adding a new requirement that every application contain the name and address of each applicant and the name and address of any person to whom any applicant wishes any question regarding the application to be directed. The purpose of this amendment is to expedite the processing procedure by facilitating the staff in directing to the applicant's questions or comments concerning the application.

The text of the amendment to Rule 0–2 (17 CFR 270.0–2), adopted by the Commission pursuant to the authority granted to it in section 38(a) of the Act, is as follows:

I. Rule 0–2(b) (17 CFR 270.0–2(b)) under the Investment Company Act of 1940 is amended by deleting the word "triplicate" in the first sentence and substituting the word "quintuplicate," and by deleting the word "two" in the second sentence and substituting the word "four." As so amended, the first two sentences of paragraph (b) read: "Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed, and every amendment to such application shall be filed in quintuplicate. One copy shall be signed by the applicant but the other four copies may have facsimile or typed signatures."

II. Rule 0–2 (17 CFR 270.0–2) under the Investment Company Act of 1940 is amended by revoking the entire present text of paragraph (f) and substituting the following:

(f) *Name and address.* Every application shall contain the name and address of each applicant and the name and address of any person to whom any applicant wishes any question regarding the application to be directed.

(Sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a–37(a))

The foregoing amendment to Rule 0–2 (17 CFR 270.0–2) shall become effective July 22, 1968.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JUNE 20, 1968.

[F.R. Doc. 68–7604; Filed, June 26, 1968; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68–165]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Psittacine Birds

JUNE 20, 1968.

Under section 264, title 42, United States Code, the importation of certain species of birds which the Surgeon General, with the approval of the Secretary of Health, Education, and Welfare, may prescribe by regulation to be injurious to human beings is prohibited, except as admission may be authorized by approved regulations of the Surgeon General. The following amendments are made to conform pertinent Customs Regulations to the revised regulations (42 CFR 71.161–71.166; 32 F.R. 14057) prescribed by the Public Health Service, Department of Health, Education, and Welfare, governing quarantine procedures with respect to the entry of psittacine birds into the United States.

Section 12.26 (b) (4) and (c) are amended and footnote 13a appended to § 12.26(c) of this chapter is deleted to read as follows:

§ 12.26 Importations of wild animals or birds; certain species prohibited; permits required.

* * * * *

(b) * * *

(4) Psittacine birds, which include all birds commonly known as parrots, Amazons, African grays, cockatoos, macaws, parrotlets, beebees, parakeets, lovebirds, lories, lorikeets, and all other birds of the order Psittaciformes, when destined for a zoological park or medical research institution without having had prior confinement and treatment abroad at an approved treatment center, and psittacine birds taken out of the United States but inadmissible under paragraph (c) of this section, may be imported when accompanied by a permit issued by the Surgeon General. Application for such a permit may be made to the Chief, Foreign Quarantine Program, National Communicable Disease Center, U.S. Public Health Service, Atlanta, Ga. 30333, or to a Public Health Service quarantine station established at a port of entry in the United States.

* * * * *

(c) Psittacine birds as defined in paragraph (b)(4) of this section, not to exceed two such birds by members of a family comprising a single household in any 12-month period, may be imported under prescribed conditions (see 42 CFR 71.164(e)) without permit and without prior confinement and treatment, to be kept as pets by the owner, who will be required to comply with the Foreign Quarantine Regulations of the U.S. Public Health Service. Birds taken out of the United States and being returned may be admitted, without permit, upon full compliance with prescribed conditions of those regulations for admission of birds imported as pets. No such birds shall be released until the importer has complied with applicable requirements of the Public Health regulations.

* * * * *

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

This ruling shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON, *Commissioner of Customs.*

Approved: June 18, 1968.

JOSEPH M. BOWMAN, *Assistant Secretary of the Treasury.*

[F.R. Doc. 68–7644; Filed, June 26, 1968; 8:49 a.m.]

[T.D. 68–166]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties for Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the month of May 1968, of approved fruit products and other approved products containing sugar amounts to Australian $118.80 per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in

Australia is hereby ascertained, determined, and declared to be Australian $118.80 per 2,240 pounds of sugar content. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amount of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rate" in the column headed "Action." The table in § 16.24(f) is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 68–78 in the column headed "Treasury Decision" and the words "New rate" appearing opposite such number in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: June 18, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-7643; Filed, June 26, 1968; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Prescription-Drug Advertisements

In the matter of amending for clarification the enforcement regulation (21 CFR 1.105) regarding prescription drug advertisements:

In the FEDERAL REGISTER of May 23, 1967 (32 F.R. 7533), a notice was published in which the Commissioner of Food and Drugs proposed (A) amendments in the above-identified matter plus (B) other amendments regarding the regulation (21 CFR 1.106 (b) and (c)) establishing exemptions from the requirement that prescription drug labeling bear adequate directions for use.

In response to the proposal, comments were received from over 90 industry representatives. The recommendations for changes in the proposed amendments have been studied and have also been the subject of informal discussions between interested industry representatives and Food and Drug Administration staff for further clarifying the subject regulations and minimizing disagreement.

Having considered the comments received, the results of the discussions, and other relevant material, the Commissioner of Food and Drugs concludes (A) that the proposed amendments regarding § 1.105 should be promulgated as set forth below and (B) that an order acting on the proposed amendments regarding § 1.106 (b) and (c) should be published at a later date.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e)) and delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 1.105 be amended by revoking paragraphs (f), (g), (h), and (i) and by revising paragraphs (e) and (l) to read as follows:

§ 1.105 Prescription-drug advertisements.

* * * * *

(e) True statement of information in brief summary relating to side effects, contraindications, and effectiveness:

(1) *When required.* All advertisements for any prescription drug ("prescription drug" as used in this section means drugs defined in section 503(b)(1) of the act and § 1.106(c), applicable to drugs for use by man and veterinary drugs, respectively), except advertisements described in subparagraph (2) of this paragraph, shall present a true statement of information in brief summary relating to side effects, contraindications (when used in this section "side effects, contraindications" include side effects, warnings, precautions, and contraindications and include any such information under such headings as cautions, special considerations, important notes, etc.) and effectiveness.

(2) *Exempt advertisements.* The following advertisements are exempt from the requirements of subparagraph (1) of this paragraph under the conditions specified:

(i) *Reminder advertisements.* Reminder advertisements if they contain only the proprietary or trade name of a drug (which necessitates declaring the established name, if any, and furnishing the formula showing quantitatively each ingredient of the drug to the extent required for labels) and, optionally, information relating to dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the advertised drug: *Provided, however,* That if the Commissioner finds that there is evidence of significant incidence of fatalities or serious damage associated with the use of a particular prescription drug, he may notify the manufacturer, packer, or distributor of the drug by mail that this exemption does not apply to such drug by reason of such finding.

(ii) *Advertisements of bulk-sale drugs.* Advertisements of bulk-sale drugs that promote sale of the drug in bulk packages in accordance with the practice of the trade solely to be processed, manufactured, labeled, or repackaged in substantial quantities and that contain no claims for the therapeutic safety or effectiveness of the drug.

(iii) *Advertisements of prescription-compounding drugs.* Advertisements of prescription-compounding drugs that promote sale of a drug for use as a prescription chemical or other compound for use by registered pharmacists in compounding prescriptions if the drug otherwise complies with the conditions for the labeling exemption contained in § 1.106(k) and the advertisement contains no claims for the therapeutic safety or effectiveness of the drug.

(3) *Scope of information to be included; applicability to the entire advertisement.* (i) The requirement of a true statement of information relating to side effects, contraindications, and effectiveness applies to the entire advertisement. Untrue or misleading information in any part of the advertisement will not be corrected by the inclusion in another distinct part of the advertisement of a brief statement containing true information relating to side effects, contraindications, and effectiveness of the drug. Each feature and theme of the advertisement that would be misleading by reason of the omission of appropriate qualification or pertinent information shall include the appropriate qualification or pertinent information, which may be concise if it is supplemented by a prominent reference on each such page to the presence and location elsewhere in the advertisement of a more complete discussion of such qualification or information.

(ii) The information relating to effectiveness is not required to include information relating to all purposes for which the drug is intended but may optionally be limited to a true statement of the effectiveness of the drug for the selected purpose(s) for which the drug is recommended or suggested in the advertisement. The information relating to effectiveness shall include specific indications for use of the drug for purposes claimed in the advertisement; for example, when an advertisement contains a broad claim that a drug is an antibacterial agent, the advertisement shall name a type or types of infections and micro-organisms for which the drug is effective clinically as specifically as required, approved, or permitted in the drug package labeling.

(iii) The information relating to side effects and contraindications shall disclose each specific side effect and contraindication (which include side effects, warnings, precautions, and contraindications and include any such information under such headings as cautions, special considerations, important notes, etc., see subparagraph (1) of this paragraph) contained in required, approved, or permitted labeling for the advertised drug dosage form(s); *Provided, however;*

(*a*) The side effects and contraindications disclosed may be limited to those pertinent to the indications for which the drug is recommended or suggested

in the advertisement to the extent that such limited disclosure has previously been approved or permitted in drug labeling conforming to the provisions of § 1.106 (b) or (c); and

(*b*) The use of a single term for a group of side effects and contraindications (for example, "blood dyscrasias" for disclosure of "leukopenia," "agranulocytosis," and "neutropenia") is permitted only to the extent that the use of such a single term in place of disclosure of each specific side effect and contraindication has been previously approved or permitted in drug labeling conforming to the provsions of § 1.106 (b) or (c).

(4) *Substance of information to be included in brief summary.* (i) (*a*) An advertisement for a prescription drug covered by a new-drug application approved pursuant to section 505 of the act after October 10, 1962, or any approved supplement thereto, shall not recommend or suggest any use that is not in the labeling accepted in such approved new-drug application or supplement. The advertisement shall present information from labeling required, approved, or permitted in a new-drug application relating to each specific side effect and contraindication in such labeling that relates to the uses of the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(*b*) If a prescription drug was covered by a new-drug application or a supplement thereto that became effective prior to October 10, 1962, an advertisement may recommend or suggest:

(*1*) Uses contained in the labeling accepted in such new-drug application and any effective, approved, or permitted supplement thereto.

(*2*) Additional uses contained in labeling in commercial use on October 9, 1962, to the extent that such uses did not cause the drug to be an unapproved "new drug" as "new drug" was defined in section 201 (p) of the act as then in force, and to the extent that such uses would be permitted were the drug subject to subdivision (iii) of this subparagraph.

(*3*) Additional uses contained in labeling in current commercial use to the extent that such uses do not cause the drug to be an unapproved "new drug" as defined in section 201(p) of the act as amended.

The advertisement shall present information from labeling required, approved, or permitted in a new-drug application relating to each specific side effect and contraindication in such labeling that relates to the uses of the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(ii) An advertisement for a prescription drug subject to certification under section 507 of the act shall not recommend or suggest any use that is not in the labeling covered by the certification or the applicable certification regulations or regulations providing for exemption from certification. The advertisement shall present information from such labeling covered by the certification or the applicable certification regulations or regulations providing for exemption from certification, relating to each specific side effect and contraindication in such labeling and such regulations for the advertised drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(iii) In the case of an advertisement for a prescription drug other than a drug the labeling of which causes it to be an unapproved "new drug" and other than drugs covered by subdivisions (i) and (ii) of this subparagraph, an advertisement may recommend and suggest the drug only for those uses contained in the labeling thereof:

(*a*) For which the drug is generally recognized as safe and effective among experts qualified by scientific training and experience to evaluate the safety and effectiveness of such drugs; or

(*b*) For which there exists substantial evidence of safety and effectiveness, consisting of adequate and well-controlled investigations, including clinical investigations (as used in this section "clinical investigations," "clinical experience," and "clinical significance" mean in the case of drugs intended for administration to man, investigations, experience, or significance in humans, and in the case of drugs intended for administration to other animals, investigations, experience, or significance in the specie or species for which the drug is advertised), by experts qualified by scientific training and experience to evaluate the safety and effectiveness of the drug involved, on the basis of which it can fairly and responsibly be concluded by such experts that the drug is safe and effective for such uses; or

(*c*) For which there exists substantial clinical experience (as used in this section, this means substantial clinical experience adequately documented in medical literature or by other data (to be supplied to the Food and Drug Administration, if requested)), on the basis of which it can fairly and responsibly be concluded by qualified experts that the drug is safe and effective for such uses; or

(*d*) For which safety is supported under any of the preceding clauses in (*a*), (*b*), and (*c*) of this subdivision and effectiveness is supported under any other of such clauses.

The advertisement shall present information relating to each specific side effect and contraindication that is required, approved, or permitted in the package labeling by § 1.106 (b) or (c) for the drug dosage form(s) or shall otherwise conform to the provisions of subparagraph (3) (iii) of this paragraph.

(5) *"True statement" of information.* An advertisement does not satisfy the requirement that it present a "true statement" of information in brief summary relating to side effects, contraindications, and effectiveness if:

(i) It is false or misleading with respect to side effects, contraindications, or effectiveness; or

(ii) It fails to present a fair balance between information relating to side effects and contraindications and information relating to effectiveness of the drug in that the information relating to effectiveness is presented in greater scope, depth, or detail than required and this information is not fairly balanced by the presentation of true information relating to side effects and contraindications of the drug as a "Brief Discussion Summary" comparable in depth and detail with the information required in the labeling by § 1.106 (b) (3) or (c) (3).

(iii) It fails to reveal facts material in the light of its representations or material with respect to consequences that may result from the use of the drug as recommended or suggested in the advertisement.

(6) *Advertisements that are false, lacking in fair balance, or otherwise misleading.* An advertisement for a prescription drug is false, lacking in fair balance, or otherwise misleading, or otherwise violative of section 502(n) of the act, among other reasons, if it:

(i) Contains a representation or suggestion, not approved or permitted for use in the labeling, that a drug is better, more effective, useful in a broader range of conditions or patients (as used in this section "patients" means humans and in the case of veterinary drugs, other animals), safer, has fewer, or less incidence of, or less serious side effects or contraindications than has been demonstrated by substantial evidence or substantial clinical experience (as described in subparagraph (4) (iii) (*b*) and (*c*) of this paragraph) whether or not such representations are made by comparison with other drugs or treatments, and whether or not such a representation or suggestion is made directly or through use of published or unpublished literature, quotations, or other references.

(ii) Contains a drug comparison that represents or suggests that a drug is safer or more effective than another drug in some particular when it has not been demonstrated to be safer or more effective in such particular by substantial evidence or substantial clinical experience.

(iii) Contains favorable information or opinions about a drug previously regarded as valid but which have been rendered invalid by contrary and more credible recent information, or contains literature references or quotations that are significantly more favorable to the drug than has been demonstrated by substantial evidence or substantial clinical experience.

(iv) Contains a representation or suggestion that a drug is safer than it has been demonstrated to be by substantial evidence or substantial clinical experience, by selective presentation of information from published articles or other references that report no side effects or minimal side effects with the drug or otherwise selects information from any source in a way that makes a drug appear to be safer than has been demonstrated.

(v) Presents information from a study in a way that implies that the study represents larger or more general experience with the drug than it actually does.

(vi) Contains references to literature or studies that misrepresent the effectiveness of a drug by failure to disclose that claimed results may be due to concomitant therapy, or by failure to disclose the credible information available concerning the extent to which claimed results may be due to placebo effect (information concerning placebo effect is not required unless the advertisement promotes the drug for use by man).

(vii) Contains favorable data or conclusions from nonclinical studies of a drug, such as in laboratory animals or in vitro, in a way that suggests they have clinical significance when in fact no such clinical significance has been demonstrated.

(viii) Contains information from published or unpublished reports or opinions falsely or misleadingly represented or suggested to be authentic or authoritative.

(ix) Uses a statement by a recognized authority that is apparently favorable about a drug but fails to refer to concurrent or more recent unfavorable data or statements from the same authority on the same subject or subjects.

(x) Uses a quote or paraphrase out of context to convey a false or misleading idea.

(xi) Uses literature quotations or references that purport to support an advertising claim but in fact do not support the claim or have relevance to the claim.

(xii) Uses literature, quotations, or references for the purpose of recommending or suggesting conditions of drug use that are not approved or permitted in the drug package labeling.

(xiii) Offers a combination of drugs for the treatment of patients suffering from a condition amenable to treatment by any of the components rather than limiting the indications for use to patients for whom concomitant therapy as provided by the fixed combination drug is indicated, unless such condition is included in the uses permitted under subparagraph (4) of this paragraph.

(xiv) Uses a study on a small number of patients or on normal subjects without disclosing the small number of patients or the fact that the subjects were normal.

(xv) Uses "statistics" on numbers of patients, or counts of favorable results or side effects, derived from pooling data from various insignificant or dissimilar studies in a way that suggests either that such "statistics" are valid if they are not or that they are derived from large or significant studies supporting favorable conclusions when such is not the case.

(xvi) Uses erroneously a statistical finding of "no significant difference" to claim clinical equivalence or to deny or conceal the potential existence of a real clinical difference.

(xvii) Uses statements or representations that a drug differs from or does not contain a named drug or category of drugs, or that it has a greater potency per unit of weight, in a way that suggests falsely or misleadingly or without substantial evidence or substantial clinical experience that the advertised drug is safer or more effective than such other drug or drugs.

(xviii) Uses data favorable to a drug derived from patients treated with dosages different from those recommended in approved or permitted labeling if the drug advertised is subject to section 505 or 507 of the act, or, in the case of other drugs, if the dosages employed were different from those recommended in the labeling and generally recognized as safe and effective. This provision is not intended to prevent citation of reports of studies that include some patients treated with dosages different from those authorized, if the results in such patients are not used.

(xix) Uses headline, subheadline, or pictorial or other graphic matter in a way that is misleading.

(xx) Represents or suggests that drug dosages properly recommended for use in the treatment of certain classes of patients or disease conditions are safe and effective for the treatment of other classes of patients or disease conditions when such is not the case.

(xxi) Fails to present information concerning side effects and contraindications in depth and detail (not exceeding that required in the labeling by § 1.106 (b) (3) or (c) (3)) comparable to that used for claims for effectiveness or safety of the drug, taking into account the length of the advertisement and the nature of its message. This means that there may be two permissible levels of summarization:

(*a*) If the claims for effectiveness or safety are presented briefly without dosage information and the advetisement as a whole appears on three pages or less, the side effects and contraindications may be presented concisely provided that each specific side effect and contarindication contained in the approved or permitted labeling, to the extent required by subparagraph (4) of this paragraph, is presented in a "Brief Summary" or its equivalent elsewhere in the advertisement;

(*b*) If the claims for effectiveness or safety are presented in detail or in discussion form, or dosage information is presented, or parts of the advertisement appear on more than three pages of a periodical of page size larger than 50 square inches or smaller page size, the side effect and contraindication information shall be presented as a "Brief Discussion Summary" comparable in depth and detail with the information required in the drug labeling under § 1.106 (b) (3) or (c) (3).

(xxii) Presents required information relating to side effects or contraindications by means of a general term for a group in place of disclosing each specific side effect and contraindication (for example employs the term "blood dyscrasias" instead of "leukopenia," "agranulocytosis," "neutropenia," etc.) unless the use of such general term conforms to the provisions of subparagraph (3) (iii) of this paragraph.

(7) *Advertisements that may be false, lacking in fair balance, or otherwise misleading.* An advertisement may be false, lacking in fair balance, or otherwise misleading or otherwise violative of section 502(n) of the act if it:

(i) Contains favorable information or conclusions from a study that is inadequate in design, scope, or conduct to furnish significant support for such information or conclusions.

(ii) Uses the concept of "statistical significance" to support a claim that has not been demonstrated to have clinical significance or validity, or fails to reveal the range of variations around the quoted average results.

(iii) Uses statistical analyses and techniques on a retrospective basis to discover and cite findings not soundly supported by the study, or to suggest scientific validity and rigor for data from studies the design or protocol of which are not amenable to formal statistical evaluations.

(iv) Uses tables or graphs to distort or misrepresent the relationships, trends, differences, or changes among the variables or products studied; for example, by failing to label abscissa and ordinate so that the graph creates a misleading impression.

(v) Uses reports or statements represented to be statistical analyses, interpretations, or evaluations that are inconsistent with or violate the established principles of statistical theory, methodology, applied practice, and inference, or that are derived from clinical studies the design, data, or conduct of which substantially invalidate the application of statistical analyses, interpretations, or evaluations.

(vi) Contains claims concerning the mechanism or site of drug action that are not generally regarded as established by scientific evidence by experts qualified by scientific training and experience without disclosing that the claims are not established and the limitations of the supporting evidence.

(vii) Fails to provide sufficient emphasis for the information relating to side effects and contraindications, when such information is contained in a distinct part of an advertisement, because of repetition or other emphasis in that part of the advertisement of claims for effectiveness or safety of the drug.

(viii) Fails to present information relating to side effects and contraindications with a prominence and readability reasonably comparable with the presentation of information relating to effectiveness of the drug, taking into account all implementing factors such as typography, layout, contrast, headlines, paragraphing, white space, and any other techniques apt to achieve emphasis.

(ix) Fails to provide adequate emphasis (for example, by the use of color scheme, borders, headlines, or copy that extends across the gutter) for the fact that two facing pages are part of the same advertisement when one page contains information relating to side effects and contraindications.

(x) In an advertisement promoting use of the drug in a selected class of

patients (for example, geriatric patients or depressed patients), fails to present with adequate emphasis the significant side effects and contraindications or the significant dosage considerations, when dosage recommendations are included in an advertisement, especially applicable to that selected class of patients.

(xi) Fails to present on a page facing another page (or on another full page) of an advertisement on more than one page, information relating to side effects and contraindications when such information is in a distinct part of the advertisement.

(xii) Fails to include on each page or spread of an advertisement the information relating to side effects and contraindications or a prominent reference to its presence and location when it is presented as a distinct part of an advertisement.

(f) through (i) [Revoked]

* * * * *

(l) (1) Advertisements subject to section 502(n) of the act include advertisements in published journals, magazines, other periodicals, and newspapers, and advertisements broadcast through media such as radio, television, and telephone communication systems.

(2) Brochures, booklets, mailing pieces, detailing pieces, file cards, bulletins, calendars, price lists, catalogs, house organs, letters, motion picture films, film strips, lantern slides, sound recordings, exhibits, literature, and reprints and similar pieces of printed, audio, or visual matter descriptive of a drug and references published (for example, the "Physicians Desk Reference") for use by medical practitioners, pharmacists, or nurses, containing drug information supplied by the manufacturer, packer, or distributor of the drug and which are disseminated by or on behalf of its manufacturer, packer, or distributor are hereby determined to be labeling as defined in section 201(m) of the act.

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. 502(n), 701(e), 52 Stat. 1050, as amended 76 Stat. 791; 1055, as amended 70 Stat. 919; 21 U.S.C. 352(n), 371(e))

Dated: June 21, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-7616; Filed, June 26, 1968; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

DDT

In response to the notice published in the FEDERAL REGISTER of February 9, 1968 (33 F.R. 2787), proposing that § 120.147 be revised to reduce tolerances for residues of the insecticide DDT in or on certain raw agricultural commodities, individuals, and organizations submitted a total of 23 comments. No requests were received for referral of the proposal to an advisory committee pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Having considered the comments received and other relevant material, the Commissioner of Food and Drugs concludes that the reduction of specified tolerances from 7 parts per million to 3.5 parts per million or 1 part per million should be made as proposed, except that the tolerance for residues in or on collards, kale, mustard greens, spinach, and Swiss chard should be retained at 7 parts per million pending further study.

In accordance with the revision of § 120.1(j)(6) published in the FEDERAL REGISTER of June 18, 1968 (33 F.R. 8816), the tolerance regarding carrot tops is deleted and the tolerance for residues in or on carrots is established for "carrots" without further qualification.

As stated in said proposal, it is the intention of the Commissioner that no tolerances for DDT will be continued at a level higher than 1 part per million after the close of the 1968 growing season unless (1) facts are adduced to support a conclusion that current good agricultural practices require such higher tolerances and (2) it can also be concluded, on the basis of current safety criteria, that such exceptions to a 1 part per million tolerance will be safe for consumers. Additionally, the tolerance on citrus fruits will need to be revoked unless it can be shown that practicable limitations can be imposed to avoid the transfer of illegal residues to meet and milk through feed use of citrus pulp.

Accordingly, all interested parties are invited to obtain and furnish to the Food and Drug Administration prior to January 1, 1969, residue data reflecting effective patterns of use that may require DDT tolerances higher than 1 part per million and to justify such usage. In the absence of such data and justification from interested parties, the Commissioner will proceed on the basis of available data and information.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (e), (m), 682 Stat. 514, 517; 21 U.S.C. 346a (e), (m)) and delegated to the Commissioner (21 CFR 2.120), § 120.147 is revised to read as follows:

§ 120.147 DDT; tolerances for residues.

Tolerances for residues of the insecticide DDT (a mixture of 1,1,1-trichloro-2,2-bis (*p*-chlorophenyl) ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane) are established in or on raw agricultural commodities as follows:

50 parts per million in or on peppermint hay and spearmint hay, which are not to be used for feeding livestock.

20 parts per million in or on fresh hops. Any byproducts or refuse from such hops are not to be used for feeding livestock.

7 parts per million in or on apples, apricots, beans, beet greens, blueberries (huckleberries), cabbage, celery, collards, cranberries, cucumbers, eggplants; fat of meat from cattle, goats, hogs, horses, and sheep; grapes, kale, lettuce, mangoes, melons, mustard greens, nectarines, okra, onions, parsnip greens, peaches, pears, peas, peppers, pineapples, pumpkins, quinces, radish tops, rutabaga tops, spinach, squash, summer squash, sweetpotatoes (from postharvest use), Swiss chard, tomatoes, turnip greens.

4 parts per million in or on cottonseed.

3.5 parts per million in or on avocados, carrots, cherries, citrus fruits, the fresh vegetable sweet corn (determined on kernels plus cob after removing any husk present when marketed), papayas, plums (fresh prunes).

3.5 parts per million combined residues of DDT and toxaphene in or on soybeans (dry form), of which residues DDT shall not exceed 1.5 parts per million and toxaphene shall not exceed 2 parts per million.

1.5 parts per million in or on soybeans (dry form).

1 part per million in or on artichokes, asparagus, beets (roots), blackberries, boysenberries, broccoli, brussels sprouts, cauliflower, currants, dewberries, endive (escarole), gooseberries, guavas, kohlrabi, loganberries, mushrooms, parsnips (roots), peanuts, potatoes (determined after washing off any soil present when marketed), radishes (roots), raspberries, rutabagas (roots), strawberries, turnips (roots), youngberries.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity

the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408 (e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m))

Dated: June 20, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-7617; Filed, June 26, 1968; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Department Reg. 108.588]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to implement the permanent provisions of the Act of October 3, 1965 which will become effective on July 1, 1968.

1. Section 42.1 is amended to read as follows:

§ 42.1 Definitions.

In addition to the pertinent definitions contained in the Immigration and Nationality Act, the following definitions shall be applicable to this part:

"Accompanying" or "accompanied by" means, in addition to an alien in the physical company of a principal alien, an alien who is issued an immigrant visa within 4 months of the date of issuance of a visa to the principal alien, within 4 months of the adjustment of status in the United States of the principal alien, or within 4 months from the date of the departure of the principal alien from the country in which his dependents are applying for visas if he has traveled abroad to confer his foreign state chargeability upon them. An "accompanying" relative may not precede the principal alien to the United States.

"Act" means the Immigration and Nationality Act, as amended.

"Consular officer" as defined in section 101(a)(9) of the Act, shall include the District Administrators of the Trust Territory of the Pacific Islands, hereby designated as consular officers for the purpose of issuing immigrant visas, but shall not include a consular agent, an attaché or assistant attaché.

"Department" means the Department of State of the United States of America.

"Dependent area" means a colony or other component or dependent area overseas from the governing foreign state, natives of which are subject to the limitation prescribed by section 202(c) of the Act (not exceeding 1 percent of the maximum number of immigrant visas available annually to the governing foreign state, i.e., not more than 200 per year).

"Documentarily qualified" means that the alien reports that he has obtained all the documents specified by the consular officer as sufficient to meet the requirements of section 222(b) of the Act and that necessary clearance procedures of the consular office have been completed. This term shall be used only with respect to the alien's qualification to apply formally for an immigrant visa; it bears no connotation that the alien is eligible to receive a visa.

"Entitled to immigrant classification" means that the alien (1) is the beneficiary of an approved petition according him immediate relative or preference status, or (2) has obtained an individual labor certification, or (3) has satisfied the consular officer that he (i) is entitled to special immigrant status under section 101(a)(27) (B) through (E) of the Act, or (ii) is within one of the professional or occupational groups listed in Schedule A of the Department of Labor regulations (29 CFR 60) or has an occupation listed in Schedule C of those regulations which has been precertified, or (iii) has a relationship to a U.S. citizen or resident alien which statutorily exempts him from the provisions of section 212(a)(14) of the Act, or (iv) is within one of the classes described in § 42.91(a)(14)(ii) and that he is therefore not within the purview of section 212(a)(14) of the Act.

"Foreign state". For the purpose of according alternate chargeability pursuant to section 202(b) of the Act, the term "foreign state" is not restricted to those areas to which the numerical limitation prescribed by section 202(a) of the Act applies but includes dependent areas, as defined in this section, and independent countries of the Western Hemisphere and the Canal Zone.

"Nonquota immigrant" means an alien who establishes that he qualifies for a visa designated as a nonquota visa by legislation enacted prior to October 3, 1965, and who is therefore not subject to any numerical limitations on immigration.

"Not subject to numerical limitations" means that the alien is entitled to immigrant status as an immediate relative within the meaning of section 201(b) or as a special immigrant within the meaning of section 101(a)(27) (B) through (E) of the Act or as a nonquota immigrant as defined in this section.

"Parent", "father", or "mother", as defined in section 101(b)(2) of the Act, are terms which shall not be affected by the fact that the person with whom the relationship exists may be over 21 years of age or married.

"Passport", as defined in section 101(a)(30) of the Act, shall not be considered as limited to a national passport and shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101(a)(30) of the Act: *Provided*, that permission to enter a foreign country must be issued by a competent authority and must be clearly valid for such purpose in order to meet the requirements of section 101(a)(30).

"Port of entry" means a port or place designated by the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

"Principal alien" means an alien from whom another alien derives a privilege or status under the law or regulations.

"Regulations" means a rule established pursuant to the provisions of section 104(a) of the Act which has been duly published in the FEDERAL REGISTER.

"Son" or "daughter" shall not include an alien who would not qualify as a "child" within the meaning of section 101(b)(1) of the Act if the alien were under the age of 21 and unmarried.

"Western Hemisphere" means North America (including Central America), South America and the islands immediately adjacent thereto including the places named in section 101(b)(5) of the Act.

2. Section 42.10 is deleted.

3. A central heading preceding § 42.12 is added to read as follows:

CLASSIFICATION SYMBOLS

* * * * *

4. Section 42.20 is amended to read as follows:

IMMIGRANTS NOT SUBJECT TO NUMERICAL LIMITATIONS

§ 42.20 General.

An alien shall not be chargeable to the numerical limitations specified in sections 201, 202, and 203 of the Act or section 21(e) of the Act of October 3, 1965, if he is entitled to classification as an immediate relative under the provisions of section 201(b), or as a special immigrant under section 101(a)(27) (B) through (E) of the Act, or as a nonquota immigrant under other provisions of law.

5. Section 42.21 is amended to read as follows:

§ 42.21 Immediate relatives.

An alien who is a spouse, child, or parent of a U.S. citizen shall be classifiable as an immediate relative under section 201(b) of the Act if the consular officer has received from the Immigration and Naturalization Service a petition filed in his behalf by a U.S. citizen and approved in accordance with section 204 of the Act and the consular officer is satisfied that the alien has the relationship to the U.S. citizen indicated in the petition. A U.S. citizen must be at least 21 years of age in order to confer immediate relative status upon a parent. An immediate relative shall be documented as such unless the U.S. citizen refuses to file the required petition for personal reasons other than financial consideration or inconvenience, or unless the immediate relative is also a special

immigrant under section 101(a)(27)(B) through (E).

6. Section 42.22 *Natives of certain Western Hemisphere countries*, is transferred and redesignated as § 42.37. Section 42.22 is hereby vacated and reserved.

7. The center heading preceding § 42.30 *First preference immigrants*, is amended to read as follows:

IMMIGRANTS SUBJECT TO NUMERICAL LIMITATIONS

* * * * *

8. Former § 42.22 has been redesignated as § 42.37 and amended to read as follows:

§ 42.37 Natives of certain Western Hemisphere countries.

(a) An alien born in a country referred to in section 101(a)(27)(A) of the Act shall be chargeable to the numerical limitation prescribed in section 21(e) of the Act of October 3, 1965 unless he establishes to the satisfaction of the consular officer by the presentation of appropriate evidence that he is an immediate relative within the meaning of section 201(b), or that he is a special immigrant as described in section 101(a)(27)(B) through (E) of the Act, or that his case falls within one of the exceptions to the general rule of chargeability provided by section 202(b) of the Act.

(b) A spouse or child of a native of a country referred to in section 101(a)(27)(A) of the Act who is not a native of that country and who does not desire classification under the foreign state of birth shall establish to the satisfaction of the consular officer that he is accompanying a spouse or parent born in such country, or that he is following to join a spouse or parent born in such country who has the status in the United States of an alien lawfully admitted for permanent residence. The eligibility of the spouse or child for special immigrant status under this section shall not be affected by the fact that the marriage of the spouse or the birth of the child occurred subsequent to the admission of the principal alien into the United States.

9. Section 42.50 is amended to read as follows:

CHARGEABILITY TO NUMERICAL LIMITATIONS

§ 42.50 Rules of chargeability.

An immigrant shall be chargeable to the numerical limitation for the foreign state or dependent area of his birth or to the numerical limitation prescribed by section 21(e) of the Act of October 3, 1965 for special immigrants within the meaning of section 101(a)(27)(A) of the Act, unless (a) he is classifiable as an immediate relative under section 201(b) of the Act, or (b) he is classifiable as a special immigrant under section 101(a)(27)(B) through (E) of the Act, or (c) his case falls within one of the exceptions to the general rule of chargeability provided by section 202(b) of the Act to prevent the separation of family members.

10. Section 42.51 is amended to read as follows:

§ 42.51 Exception for accompanying child.

An immigrant child, including a child born in a dependent area, or in an independent country of the Western Hemisphere, accompanied by his alien parent may be charged to the foreign state of birth of the accompanying parent, as provided in section 202(b)(1) of the Act.

11. Section 42.52 is amended to read as follows:

§ 42.52 Exception for accompanying spouse.

An immigrant spouse, including a spouse born in a dependent area, or in an independent country of the Western Hemisphere, may, as provided in section 202(b)(2) of the Act, be charged to the foreign state of his accompanying spouse.

12. Section 42.54 is amended to read as follows:

§ 42.54 Exception for alien born in foreign state of which neither of his parents was a resident.

An alien who was born in a foreign state, as defined in § 42.1, in which neither of his parents was born, and in which neither of his parents had a residence at the time of his birth, may be charged to the foreign state of either parent as provided in section 202(b)(4) of the Act. The parents of such an alien shall not be considered as having acquired a residence within the meaning of section 202(b)(4), if at the time of such alien's birth within the foreign state they were merely visiting temporarily or were stationed there under orders or instructions of an employer, principal or superior authority foreign to such foreign state in connection with the business or profession of the employer, principal or superior authority.

13. Section 42.55 is amended to read as follows:

§ 42.55 Immigrants chargeable to numerical limitations for dependent areas.

An immigrant born in a dependent area shall be chargeable to the numerical limitation for that dependent area as prescribed by section 202(c) of the Act unless he is classifiable as an immediate relative under section 201(b) of the Act, or as a special immigrant under section 101(a)(27)(B) through (E) of the Act, or unless his case falls within one of the exceptions to the general rule of chargeability provided by section 202(b) of the Act.

CROSS REFERENCE: For definition of the term "dependent area" see § 42.1.

14. Section 42.60 is amended to read as follows:

NUMERICAL CONTROLS

§ 42.60 Control of numerical limitations by the Department.

(a) *Centralized control.* Centralized control of the numerical limitations on immigration specified in sections 201, 202, and 203 of the Act and section 21(e) of the Act of October 3, 1965 is established in the Department. In order to effectuate this control, the Department shall limit the number of immigrant visas that may be issued and the number of adjustments of status and conditional entries that may be granted to aliens subject to these numerical limitations as follows: (1) within the numerical limitations specified in sections 201, 202, and 203 of the Act, a number not to exceed a total of 45,000 in any of the first three quarters of any fiscal year and of 17,000 each month plus any balance remaining from authorizations for preceding months in the same fiscal year; (2) within the numerical limitations specified in section 21(e) of the Act of October 3, 1965, a number not to exceed a total of 12,000 each month plus any balance remaining unused from authorizations for preceding months in the same fiscal year.

(b) *Allocation of numbers.* Within the foregoing limitations and based on the chronological order of the priority dates of visa applicants reported by consular officers pursuant to § 42.64(b) and of applicants for adjustment of status as reported by officers of the Immigration and Naturalization Service, the Department shall allocate immigrant visa numbers for use in connection with the issuance of immigrant visas and adjustments of status.

(c) *Recaptured visa numbers.* If an immigrant having an immigrant visa is excluded from the United States and deported, or does not apply for admission to the United States before the expiration of the validity of his visa, or if an alien having an immigrant visa issued to him as a preference immigrant is found not to be a preference immigrant, or if an immigrant visa is revoked pursuant to § 42.134, the number shall be returned to the Department for reallocation within the fiscal year in which the original visa was issued.

15. Subdivision (i) to § 42.91(a)(19) is amended to read as follows:

(19) *Fraud and misrepresentation.* (i) An alien who seeks to procure, or has sought to procure, or has procured a visa or other documentation for entry into the United States by fraud or by willfully misrepresenting a material fact, regardless of whether such fraud or misrepresentation occurred before or after December 24, 1952, shall be ineligible to receive a visa under the provisions of section 212(a)(19) of the Act: *Provided*, That the provisions of this subdivision shall not be applicable if the fraud or misrepresentation was committed by an alien at the time he sought entry into a country other than the United States or obtained travel documents as a bona fide refugee and the refugee was in fear of being repatriated to his former homeland if he had disclosed the facts in his case in connection with his application for a visa to enter the United States: *Provided further*, That the fraud or misrepresentation was not committed by such refugee for the purpose of evading the quota or numerical restrictions of the U.S. immigration laws, or investigation of the alien's record at the place of his former

residence or elsewhere in connection with an application for a visa.

* * * * *

16. Paragraph (a) of § 42.115 is amended to read as follows:

§ 42.115 Application forms.

(a) *Preliminary questionnaire.* An alien may be required in the discretion of the consular officer to complete Form FS-497 (Preliminary Questionnaire to Determine Immigrant Status) for the purpose of assisting in the determination of the alien's classification and chargeability to numerical limitations, if any.

17. Paragraphs (a) (2), (3), and (6) and paragraph (c) of section 42.124 are amended to read as follows:

§ 42.124 Procedure in issuing visas.

(a) *Insertion of data.* * * *

(2) An immigrant visa issued to an alien subject to numerical limitations shall bear the number assigned to the immigrant. The foreign state or dependent area limitation to which the alien is chargeable shall be entered in the space provided for such entry. If the alien is chargeable to the numerical limitation prescribed in section 21(e) of the Act of October 3, 1965, the notation "Western Hemisphere" shall be entered in the space on the face of the visa for "Foreign State/Dependent Area."

(3) Immediate relative visas issued under section 201(b) and special immigrant visas issued under the provisions of section 101(a)(27) (B) through (E) of the Act may be numbered in consecutive order at each consular office, beginning a new series on July 1 of each year, if the principal consular officer considers the numbering of such visas to be desirable. In issuing such visas, no entry should be made on the visa in the space provided for the foreign state or other applicable area limitation.

* * * * *

(6) A signed photograph shall be attached in the space provided on Form FS-511 by the use of a legend machine unless specific authorization has been granted by the Department to use the impression seal only.

* * * * *

(c) *Attachment of documents.* Form FS-511 shall be placed immediately above Form FS-510 and the supporting documents attached thereto. The duplicate copies of Form FS-511, Form FS-510, and supporting documents shall be retained in the files of the consular office. Any document furnished to the consular officer by the alien's sponsor or other person with a request that the contents not be divulged to the visa applicant shall, if required to be attached to the visa, be placed in an envelope and sealed with the impression seal of the consular office, before being attached to the visa. If an immigrant visa is issued to an alien who is in possession of a U.S. reentry permit, whether valid or expired, the consular officer shall attach the permit to the immigrant visa for appropriate disposition at the port of entry by the Immigration and Naturalization Service. Documents submitted which have no bearing on the alien's qualifications or eligibility to receive a visa may be returned to the alien or to the person furnishing them.

18. Section 42.125 is amended to read as follows:

§ 42.125 Issuance of new or replace visas.

(a) *New immigrant visa for an alien not subject to numerical limitation.* An immediate relative within the meaning of section 201(b) of the Act, or a special immigrant described in section 101(a)(27) (B) through (E) of the Act, who establishes that his visa has been lost or mutilated and has expired, or that he will be unable to use it during the period of its validity, may be issued a new visa at the same or any other consular office upon payment of the statutory application and visa fees if the immigrant is at that time found qualified to receive such a visa and the consular officer is in possession of the duplicate signed consular file copy of the original visa. Prior to issuing a new immigrant visa at a consular office other than that which issued the original visa, the consular officer shall also ascertain whether any reason is known to the original visa-issuing office why a new visa should not be issued. In issuing a visa under this paragraph, the visa shall be given a new number in the series of such visas issued at the consular office if that office numbers such visas.

(b) *Replace immigrant visa for an alien subject to numerical limitations.* An immigrant documented under section 203 of the Act or section 21(e) of the Act of October 3, 1965 who establishes that he was or will be unable to use it during the period of its validity because of reasons beyond his control and for which he is not responsible, may be issued a replace immigrant visa under the original number during the same fiscal year in which the original visa was issued, if the number has not been returned to the Department upon payment anew of the statutory application and visa fees, if the immigrant is at that time found qualified to receive such a visa and the consular officer is in possession of the duplicate signed consular file copy of the original visa. Prior to issuing a replace immigrant visa at a consular office other than that which issued the original visa, the consular officer shall also ascertain whether any reason is known to the original visa-issuing office why a replace visa should not be issued. In issuing a visa under this paragraph, the word "Replace" shall be inserted on Form FS-511 before the word "Immigrant" in the title of the visa.

(c) *Duplicate visas issued within the validity period of the original visa.* When the validity of a visa previously issued has not yet terminated and the original visa has been lost or mutilated a duplicate visa may be issued which shall contain all of the information appearing on the original visa, including the original issuance and expiration dates. A copy of the application form and supporting documents submitted in connection with the original visa shall be attached to the duplicate visa. No new application fee shall be charged but a new fee for the issuance of the duplicate visa shall be collected. In issuing a visa under this paragraph, the word "Duplicate" shall be inserted on Form FS-511 before the word "Immigrant" in the title of the visa.

19. Paragraph (g) of § 42.134 is amended to read as follows:

§ 42.134 Revocation of visas.

* * * * *

(g) *Reconsideration of revocation.* (1) The consular officer shall consider any evidence which may be submitted by the alien, his attorney, or representative in connection with a request that the revocation of the visa be reconsidered. If the evidence is sufficient to overcome the basis for the revocation, a new visa shall be issued. A memorandum regarding the action taken and the reasons therefor shall be placed in the consular files and appropriate notification shall be forwarded promptly to the carriers concerned, to the Department, and to the issuing office if notice of revocation has been given in accordance with paragraphs (d), (e), and (f) of this section. (2) In view of the provisions of § 42.121 which provide for the refund of fees when the visa has not been used as a result of action by the U.S. Government, no fees should be collected in connection with the application for or issuance of such a reinstated visa.

Effective date. The amendments to the regulations contained in this order shall become effective on July 1, 1968.

The provisions of section 4 of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

BARBARA M. WATSON,
Acting Administrator, Bureau of Security and Consular Affairs.

JUNE 25, 1968.

[F.R. Doc. 68-7712; Filed, June 26, 1968; 8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

New Exchequer Dam and Reservoir, Merced River, Calif.

Pursuant to the provisions of section 7 of the Act of Congress approved December 22, 1944 (58 Stat. 890; 33 U.S.C. 709), the following § 208.75 is hereby prescribed to govern the use and operation of New Exchequer Dam and Reservoir on Merced River, Calif., for flood control purposes:

§ 208.75 New Exchequer Dam and Reservoir, Merced River, Calif.

The Merced Irrigation District, Merced, Calif., shall operate or otherwise effect the operation of New Exchequer Dam and Reservoir in the interest of flood control as follows:

(a) Storage space in New Exchequer Reservoir (Lake McClure) of 400,000 acre-feet, below elevation 867 feet (top of spillway gates), shall be kept available for flood control purposes on a seasonal basis in accordance with the Flood Control Diagram currently in force for that reservoir. The Flood Control Diagram in force as of the promulgation of this section is that dated June 4, 1968, File No. ME–9–139, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D.C., and the Office of Merced Irrigation District, Merced, Calif. Revisions of the diagram may be developed from time to time as necessary by the Corps of Engineers and the Merced Irrigation District. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Merced Irrigation District and from that date until replaced shall be the Flood Control Diagram for purposes of this section. Copies of the Flood Control Diagram currently in force shall be kept on file in, and may be obtained from, the Office of the District Engineer, Corps of Engineers, Sacramento, Calif., and the Merced Irrigation District, Merced, Calif.

(b) Except when greater releases are required as prescribed in paragraph (c) of this section, releases from New Exchequer Reservoir (Lake McClure) shall be restricted insofar as possible to quantities which will not cause flows in Merced River below New Exchequer Dam to exceed the controlling flow rate as specified on the Flood Control Diagram. Any water temporarily stored in the flood control space shall be released as rapidly as can safely be accomplished without causing downstream flows to exceed those criteria.

(c) Whenever water is stored above elevation 837 (crest of gated spillway) and the reservoir level is rising rapidly because of flood inflow, operation of the reservoir shall be, insofar as possible, in accordance with the Emergency Spillway Release Diagram currently in force, or the Flood Control Diagram currently in force, whichever requires the greater release. The Emergency Spillway Release Diagram in force as of the promulgation of this section is that dated June 4, 1968, File No. ME–9–140, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D.C., and the Office of Merced Irrigation District, Merced, Calif. Revisions of the Emergency Spillway Release Diagram may be developed from time to time as necessary by the Corps of Engineers and the Merced Irrigation District. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and Merced Irrigation District and from that date until replaced shall be the Emergency Spillway Release Diagram currently in force for purposes of this section. Copies of the Emergency Spillway Release Diagram currently in force shall be kept on file in and may be obtained from the offices of the District Engineer, Corps of Engineers, Sacramento, Calif., and Merced Irrigation District, Merced, Calif.

(d) Except as necessary in order to comply with provisions of the emergency spillway release diagram under paragraph (c) of this section, the regulations of this section shall not be construed to require dangerously rapid changes in magnitudes of release. The regulations of this section shall not be construed to require that releases be made in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(e) The Merced Irrigation District shall maintain a continuous record of New Exchequer Reservoir (Lake McClure) stage, inflow, and releases; and shall make such current determinations of required flood control space and required releases at New Exchequer Reservoir (Lake McClure), and obtain such basic hydrologic data as are required to accomplish the flood control objectives prescribed in this section.

(f) The Merced Irrigation District shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the District Engineer may request and other basic operating criteria which affect the schedule of operation.

(g) The flood control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of flood emergency. Requests for and action on such modification may be made by any available means of communication, and the action taken by the District Engineer shall be confirmed in writing under date of same day to the office of the Merced Irrigation District.

[Regs., June 4, 1968, ENGCW–EY] (Sec. 7, 58 Stat. 890; 33 U.S.C. 709)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68–7592; Filed, June 26, 1968; 8:45 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16, Amdt. 2; Docket No. 67–29]

PART 502—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments

On April 27, 1967, the Commission instituted this proceeding by publishing a notice of proposed rulemaking in the FEDERAL REGISTER (32 F.R. 6513). The notice outlined various proposed amendments to the Commission's rules of practice and procedure (46 CFR 502), and invited comments of interested parties. Numerous comments were submitted. Hearing Counsel filed its reply on behalf of the Commission staff, suggesting a few modifications to the original proposal. Answers to Hearing Counsel have been received. The Commission has carefully considered the positions of the parties and in light thereof, herewith publishes its final rules.

We proposed to amend § 502.5 *Inspection of records* to establish a method whereby relevant data contained in the Commission's files, not privileged, can be made available for inspection or copying by private parties in the course of a docketed proceeding. We also proposed to amend § 502.94 *Prehearing conference*, to provide a method for voluntary production of materials contained in the files of litigants in an attempt to expedite the disposition of proceedings.

Subsequent to the publication of these proposed rules, Congress has passed Public Law 90–177 which amends section 27 of the Shipping Act, 1916, providing the Commission with statutory authority to promulgate rules relating to discovery. Pursuant to Public Law 90–177, the Commission in Docket 68–15—Depositions, Written Interrogatories, and Discovery, has published proposed rules relating to discovery (33 F.R. 5046; Mar. 27, 1968). The proposed rules provide both for discovery in a proceeding of relevant nonprivileged data in the Commission's files, and for methods of production of materials contained in the files of other litigants. Inasmuch as we anticipate the issuance of discovery rules, the proposed rules relating to §§ 502.5 and 502.94 will no longer be needed. Accordingly, we are not amending these sections.

The proposed amendment to § 502.23 *Notice of appearance* would require filing of a notice of appearance by all parties in all types of proceedings. The current rule refers only to respondents in investigations. For purposes of notifying the Commission as to who will appear in a proceeding, we see no basis for distinction between the type of proceeding or the standing of the party. The proposed rule also provides for a form of notice of appearance (Appendix II(6))[1] which includes an authorization for counsel to be notified immediately of service of decisions of the presiding officer or the Commission by telegram or telephone call. This notice would be in addition to the normal service of decisions prescribed in § 502.225 *Decisions, contents, and service* (Rule 13(e)).

It has been suggested that the note appearing at the bottom of Approved Form No. 6, Notice of Appearance, which required the signature of an attorney at law is inconsistent with § 502.27 *Persons not attorneys at law* (Rule 2(g)) of the Commission's rules of practice and procedure. The last sentence of Rule 2(g) states that admission to practice is not required of a person appearing on his own behalf or on behalf

[1] Filed as part of the original document.

of any corporation, partnership, or a partner, officer, or regular employee. We are inserting appropriate language in Form No. 6 to remove this inconsistency.

Section 502.68 *Declaratory orders* (Rule 5(h)) was proposed to be amended to require the naming and service upon persons involved in the controversy. If such a controversy is found to exist, the Commission could then proceed to the merits of the dispute. The proposed amendment also stated that, should the petition name a U.S. Government agency, the pleadings must show the express consent of the Government agency to the petition.

Objection was expressed to the portion of the proposed amendment which would require a showing of the express consent of a government agency named as a party in a petition for the issuance of declaratory order. It has been suggested that consent to suit may not be implied from actions of a government agency without such consent being set forth in the particular agency's statute; and that Congress alone has the power to waive sovereign immunity.

In view of these objections, we are not adopting the requirement regarding a showing of consent by the agency. We are not suggesting, however, that in all cases where a U.S. government agency is named in a petition for a declaratory order, that agency is subject to the petition. The doctrine of sovereign immunity still exists and cases must be individually examined to determine if an agency is amenable to a petition for a declaratory order.

The proposal also included a new § 502.230 *Reopening by presiding officer or Commission* (Rule 13(g)), which would incorporate the substance of the current provisions in Subpart P—Reconsideration of proceedings (Rule 16) relating to petitions to the presiding officer or Commission to hold further evidentiary hearings before an initial or final decision is rendered. This rule was to be renumbered under Subpart M (Rule 13) for purposes of convenience. A revised Subpart P—Reconsideration of proceedings (Rule 16) was also proposed to clarify the remedy available after the Commission has served a final decision.

It has been suggested that paragraph (a) of the proposed language in § 502.230 might be construed as excluding newly discovered evidence as a basis for reopening. We do not think this fear is warranted inasmuch as paragraph (a) states that the petition to reopen "* * * shall set forth the grounds requiring reopening * * *" "Grounds" must be construed to include, inter alia, newly discovered evidence. However, at the suggestion of Hearing Counsel, we are deleting the four words "* * * facts claimed to constitute" which appear before the word "grounds", in an attempt to further clarify the situation.

It is also suggested that, since paragraph (c) of § 502.230 provides for reopening by the Examiner on his own motion, it is not clear that a proceeding can be reopened upon petition of a party. Paragraph (a) of the proposed rule specifically states that any party to a proceeding may file a petition to reopen the proceedings. No further change is required.

In reference to the proposed revision of Subpart P regarding reconsideration, the question has been raised as to how the proposed rule might affect a party's right to judicial review under the provisions of the Review Act of 1950. Under the provisions of that statute, parties are given 60 days to petition the Court of Appeals after the issuance of final order. It is suggested that the proposed rule appears to require an aggrieved party to take or prepare to take an appeal at the same time that he petitions for reconsideration and further, that the party may have to file his appeal before the petition for reconsideration is decided.

Hearing Counsel correctly stated the law in this respect. For Commission purposes, an order of the Commission is final when served. Its effect is not ipso facto stayed by the filing of a petition for reconsideration. However, for the purposes of judicial review, the order would not be final until the petition for reconsideration has been ruled upon. At that point, the 60-day period for filing an appeal would begin to run.[2] We conclude that the provisions of the proposed rule in no way impair a party's remedy under the Review Act of 1950.

Several commentators have objected to the proposed Subpart P and argue that the party who prevailed in the case should have the right to file an immediate reply to a petition for reconsideration.

Our experience shows that the majority of all petitions for reconsideration filed are but restatements of arguments that appeared in briefs or motions filed during the investigation and there ruled upon. The proposed rule is intended to avoid unnecessary briefing and repetitious motions by the parties. The right of immediate reply to a petition for reconsideration would only guarantee an increased workload for all concerned which could and should be avoided. If reconsideration should be granted by the Commission, adequate provision is made for replies. However, reply must then be limited to the issue upon which reconsideration has been granted.

We are adopting the suggestion that § 502.261 *Petitions* include a sentence calling for verification. This will make the proposed rule consistent with § 502.67 *Proceedings under section 3 of the Intercoastal Act* (Rule 5(g)) and § 502.112 *Subscription and verification of documents* (Rule 8(b)). It is also necessary because the proposed rule allows for argument concerning matters that may be off the record. The added sentence would read: "A petition shall be verified if verification of original pleading is required."

Therefore, pursuant to sections 3–7 of the Administrative Procedure Act (5 U.S.C. 552–556) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)) Part 502—Rules of Practice and Procedure, of Title 46 CFR is amended as follows:

1. Section 502.23 *Notice of appearance; written appearances, substitutions,* is revised to require filing of a notice of appearance by all parties in all types of proceedings.

2. Section 502.68 *Declaratory orders* is revised to require the naming of service upon persons involved in the controversy.

3. A new section 502.230 *Reopening by presiding officer or Commission* is added to Subpart M.

4. Subpart P—*Reopening of proceedings* is revised in its entirety.

As amended, the affected portions of Part 502 read as follows:

Subpart B—Appearances and Practice Before the Commission (Rule 2)

§ 502.23 Notice of appearance; written appearance; substitutions.

(a) Within twenty (20) days after service of an order or complaint instituting a proceeding, complainants, respondents, and/or petitioners named therein shall notify the Commission of the name(s) and address(es) of the person or persons who will represent them in the pending proceeding. Each person who appears at a hearing shall deliver a written notice of appearance to the reporter, stating for whom the appearance is made. All appearances shall be noted in the record. Petitions to Intervene shall indicate the name(s) and address(es) of the person or persons who will represent the intervener in the pending proceeding if the Petition to Intervene is granted. If an attorney or other representative of record is superseded, there shall be filed a stipulation of substitution signed both by the attorney(s) or representative(s) and by the party, or a written notice from the client to the Commission.

(b) A form of Notice of Appearance is set forth in Appendix (6) of the rules in this part. This form also contains a request and authorization for counsel to be notified immediately of the service of decisions of the presiding officer and the Commission by collect telephone call or telegram. Copies of this form may be obtained from the Office of the Secretary. [Rule 2(c).]

Subpart E—Proceedings; Pleadings; Motions; Replies (Rule 5)

§ 502.68 Declaratory orders.

The Commission may issue a declaratory order to terminate a controversy or to remove uncertainty. Petitions for the issuance thereof shall state clearly and concisely the controversy or uncertainty, shall name the persons and cite the statutory authority involved, shall include a complete statement of the facts and grounds prompting the petition, together with full disclosure of petitioner's interest, shall be served upon all parties named therein, and shall conform to the requirements of Subpart H of this part (Rule 8). Replies thereto shall conform to the requirements of § 502.74 (Rule 5(n)). [Rule 5(h).]

[2] Montship Lines Limited v. Federal Maritime Board, 295 F. 2d 147, 151 (D.C. Cir. 1961).

Subpart M—Briefs; Requests for Findings; Decisions; Exceptions (Rule 13)

§ 502.230 Reopening by presiding officer or commission.

(a) *Petition to reopen.* At any time after the conclusion of a hearing in a proceeding, but before issuance by the presiding officer of a recommended or initial decision, any party to the proceeding may file with the presiding officer a petition to reopen the proceeding for the purpose of receiving additional evidence. A petition to reopen shall be served in conformity with the requirements of Subpart H (Rule (8)) and shall set forth the grounds requiring reopening of the proceeding, including material changes of fact or of law alleged to have occurred since the conclusion of the hearing.

(b) *Reply.* Within 10 days following service of a petition to reopen, any party may reply to such petition.

(c) *Reopening by Presiding Officer.* At any time prior to filing his decision, the presiding officer upon his own motion may reopen a proceeding for the reception of further evidence.

(d) *Reopening by the Commission.* Where a decision has been issued by the presiding officer or where a decision by the presiding officer has been omitted, but before issuance of a Commission decision, the Commission may, after petition and reply in conformity with paragraphs (a) and (b) of this section, or upon its own motion, reopen a proceeding for the purpose of taking further evidence.

(e) *Remand by the Commission.* Nothing contained in this rule shall preclude the Commission from remanding a proceeding to the presiding officer for the taking of additional evidence or determining points of law. [Rule 13(j).]

Subpart P—Reconsideration of Proceedings (Rule 16)

§ 502.261 Petitions.

Within 30 days after issuance of a final decision or order by the Commission, any party may file a petition for reconsideration. Such petition shall be served in conformity with the requirements of Subpart H (Rule (8)) and shall state concisely the alleged errors in the Commission decision or order. If a petition seeks to vacate, reverse, or modify a Commission decision or order by reason of matters that have arisen since the decision or order, or by reason of a consequence that would result from compliance with a decision or order, the petition shall state concisely the matters relied upon by the petitioner. A petition shall be verified if verification of original pleading is required. A petition for reconsideration shall not operate as a stay of any rule or order of the Commission. [Rule 16(a).]

§ 502.262 Reply.

No replies to petitions for reconsideration shall be received. If, and to the extent, the Commission by order grants reconsideration, any party may file a reply within 15 days after issuance of the order granting reconsideration in accordance with § 502.74 (Rule 5(n)). The reply shall be confined to the issues upon which reconsideration has been granted and shall be served in conformity with Subpart H (Rule (8)). [Rule 16(b).]

Effective date. Inasmuch as these rules are of a procedural nature, they shall be effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 68-7645; Filed, June 26, 1968; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 18, 25]

TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Transportation of Customs Bonded Merchandise by Private Carrier

Correction

In F.R. Doc. 68–7372 appearing at page 9177 of the issue for Friday, June 21, 1968, the figure preceding the word "days" in the last line of column 3 should read "30".

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Proposed Processing of Flour Second Clears

Notice is hereby given pursuant to section 4a, Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 553) that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 10 to the Republication of the Processor Wheat Marketing Certificate Regulations (31 F.R. 13502).

Consideration will be given to all written comments or suggestions in connection with the proposed amendment, filed in duplicate, with the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, during the 15-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director at the above address during regular business hours (7 CFR 1.27 (b)).

The proposed amendment amplifies provisions under § 777.18 pertaining to the blending and mixing of flour second clears.

The amendment provides, as one of the conditions whereby flour second clears may be mixed with nonqualifying clears without the entire blended lot thereby becoming ineligible for refund, that all clears used in the mixture be processed from either the same class of wheat, or if processed from different classes of wheat, be subject to the same minimum ash requirement as specified in § 777.3 (u).

Other conditions are that all the clears mixed together must have been produced in the same plant as where the mixing occurred and the resultant product must meet the requirements of § 777.3(u). The present regulations and an interpretation published in the Federal Register on April 19, 1967, permitted the blending of flour second clears with nonqualifying clears if the clears used in the mixture were processed from the same class of wheat but did not authorize the blending of flour second clears with nonqualifying clears which had been processed from different classes of wheat. This change is made as a result of advice received by the Department that the blending under the circumstances provided in the amendment also conforms to normal milling practices. It is believed that the amendment will not increase the amount of clears for which refunds are claimed under the regulations.

The proposed amendment would change § 777.18 to read as follows:

§ 777.18 Food processors manufacturing flour second clears.

(a) *General.* The food processor is required to purchase and surrender certificates for the wheat used in processing flour second clears in accordance with the other provisions of these regulations. Refunds of the cost of such certificates shall be made only to industrial users of flour second clears as provided in § 777.19.

(b) *Certification.* The processor shall upon request from the buyer, distributor, or other transferee of flour second clears execute and furnish a Form CCC–165, Processor Certification, Flour Second Clears, to establish that the flour second clears produced by him and sold to the buyer meet the definition of flour second clears. A separate invoice and a separate Form CCC–165 is required for each separate railroad car, truckload, or other applicable shipment unit of flour second clears. The processor shall issue only one original Form CCC–165 for each such unit. The processor shall issue only one original Form CCC–165 for each shipment unit of blended flour second clears. If the blend is constituted in whole or in part of flour second clears produced by the processor in a different plant than the plant in which the blending is accomplished, a separate Form CCC–165 must be issued by each plant from which the flour second clears were transferred and such form must be retained in the records of the plant in which the blending is accomplished to identify the use of such flour second clears in the blend.

(c) *Blending by the processor.* (1) Except as provided in subparagraph (2) of this paragraph if a processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund.

(2) A processor may blend flour second clears under any of the following conditions without the blended lot thereby becoming ineligible for refund:

(i) If the processor blends together different quantities of flour second clears produced by him, including quantities of flour second clears produced from different classes of wheat and quantities of flour second clears produced in two or more plants;

(ii) If the processor blends flour second clears with nonqualifying clears, other types of flour or any other ingredient in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not for human consumption; or

(iii) If the processor mixes quantities of flour second clears with nonqualifying clears which, except for ash content, meets the requirements of § 777.3(u): *Provided* (1) All of the clears were produced in the same plant as where the mixing occurs, and (2) the clears were processed either from the same class of wheat, or if processed from different classes of wheat all of the clears in the mixture are subject to the same minimum ash requirements of § 777.3(u). The resultant product shall qualify as flour second clears if it meets the requirements of § 777.3(u), irrespective of whether all of the clears which constituted the blend conformed to the ash requirements of § 777.3(u) prior to the time the combining occurred.

(d) *Records.* The processor shall retain a copy of all Forms CCC–165 which he issues. Each Form CCC–165 shall be identified to its respective invoice number and the quantity invoiced. To support the certifications, the processor must retain laboratory reports and mill records which identify production runs by date of processing, lot number, type of wheat processed, and which can be identified to the flour second clears covered by an invoice. The laboratory reports shall contain an analysis of the ash content of the flour second clears but need not show the granulation of the clears. In the case of blended flour second clears, it is necessary that (1) all the flour second clears used in the blend be sampled and analyzed at the processor's plant where the flour second clears were produced prior to the blending and issuance of the Forms CCC–165 and (2) the records reflect the quantity of each type of flour second clears used in the blend except that the ash analysis which supports blended clears as described in paragraph (c) (2) (iii) of this section must be based on a composite of samples which are representative of the clears shipped and

not on samples of the production runs comprising the shipments. The forms and records required of processors of flour second clears shall be retained and be subject to examination as provided in § 777.15.

Effective date. This amendment shall be effective as of the date of printing in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 24, 1968.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-7611; Filed, June 26, 1968; 8:46 a.m.]

[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

Decision 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), a public hearing was held at Orlando, Fla., on April 9 and 10, 1968, pursuant to notice thereof issued on March 21, 1968 (33 F.R. 4995).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 6, 1968 (33 F.R. 8600; F.R. Doc. 68-6881) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 8600; F.R. Doc. 68-6881) are hereby approved and adopted and are set forth in full herein:

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.

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

[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.

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.

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

Marketing agreements and orders. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas", and "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

Determination of representative period. The month of April 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in certain specified marketing areas, is approved or favored by producers, as defined under the terms of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on June 21, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order [1] Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas

§ -------.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 each 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) *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 above-designated marketing areas. 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,

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

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; and

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the respectively designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the respective orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 6, 1968, and published in the FEDERAL REGISTER on June 12, 1968 (33 F.R. 8600; F.R. Doc. 68-6881), shall be and are the terms and provisions of this order and are set forth in full herein:

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.

* * * * *

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.

* * * * *

[F.R. Doc. 68-7614; Filed, June 26, 1968; 8:47 a.m.]

[7 CFR Part 1032]

MILK IN SOUTHERN ILLINOIS MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Southern Illinois marketing area is being considered for the months of July and August 1968.

The provision proposed to be suspended is in § 1032.14(b)(2) and reads as follows, "during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to nonpool plants.

The suspension action is requested by Madison Milk Producers Cooperative Dairy to accommodate the handling of reserve milk of the market. The association claims that current production trends indicate a volume of milk that would be difficult to handle without the suspension in view of the limited number of manufacturing outlets available. The purpose of the suspension is to facilitate the movement of producer milk directly from farms of producers to nonpool manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in duplicate.

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)).

Signed at Washington, D.C., on June 21, 1968.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-7612; Filed, June 26, 1968; 8:47 a.m.]

[7 CFR Parts 1094; 1103]

[Docket Nos. AO-103-A28; AO-346-A8]

MILK IN NEW ORLEANS, LOUISIANA, AND MISSISSIPPI MARKETING AREAS

Decision 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), a public hearing was held at New Orleans, La., on April 11, 1968, pursuant to notice thereof issued on March 21, 1968 (33 F.R. 4994).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on May 29, 1968 (33 F.R. 8345; F.R. Doc. 68-6599) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 8345; F.R. Doc. 68-6599) are hereby approved and adopted and are set forth in full herein subject to the following modification:

Under Issue 2 a new paragraph is added immediately after paragraph 6.

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

1. Review of the operation of the supply-demand adjustors of both orders

and consideration of deletion or modification of the adjustors.

2. Diversion of producer milk under either order to an other order plant.

3. Qualification of a cooperative's plant as a pool plant under the New Orleans order.

4. Definition of "route" in the New Orleans order.

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. *Supply-demand adjustors.* The supply-demand adjustor provisions of the Mississippi and New Orleans orders should be deleted.

Producer cooperative associations in each of these markets requested at the hearing that the supply-demand adjustors in both the Mississippi and New Orleans orders be removed. The associations claimed that the adjustors had been erratic and disturbed price alignment with other markets. They also pointed out that the adjusted prices generally have not been effective because of premiums.

While they did offer testimony on possible revisions of the existing adjustors, this was intended to apply only if a supply-demand adjustor were retained in the respective order contrary to their request for deletion. The type of modified adjustor discussed in their testimony would be based on combined receipts and sales in the Mississippi, New Orleans, and Northern Louisiana markets.

The merits of a common supply-demand adjustor for these markets need not be discussed in these findings, in view of the conclusion herein that no supply-demand adjustor should apply under current conditions. Any supply-demand adjustor which might be devised for these markets would operate under conditions making it ineffective and unable to achieve the objectives of an adjustor.

In each of the marketing areas, class prices are established also by State agencies as well as the Federal order. The Class I prices of the State agencies may be higher or lower than the Federal order prices.

In the New Orleans market, the State order price has been higher than the Federal order Class I price in each month since December 1966. The difference has ranged from 6 cents to 58 cents during the period through September 1967 in which the supply-demand adjustor continued in effect.

For the period after September 1967 and through May 1968, if the adjustor had continued in effect, the premium over the Federal order price would have ranged from 12½ to 40½ cents.[1]

Since the supply-demand adjustor was not effective in the October 1967–April 1968 period, actual premiums over the Federal order price were less than the amounts just cited. The actual premiums in the October–April period were 4 to 4½ cents. For May 1968 no premium applies.

In the Mississippi market, if the calculated supply-demand adjustor had been effective during all months of 1967, the State order prices would have exceeded the Federal order price by 4 to 38 cents. In January through April 1968, if the adjustor had been effective, the premium would have been 26 to 33 cents. In May 1968, although the Federal order price was increased due to a 28-cent higher minimum basic formula price, it would nevertheless have been 4 cents below the State price if the adjustor had been effective.[2]

The adjustments provided by supply-demand adjustors now in the two orders have been characteristically negative. In the New Orleans market, the annual average adjustment in 1966 was minus 19 cents and in 1967 (including adjustments suspended, October–December) was minus 31.1 cents. In Mississippi, the calculated adjustment (although not effective) averaged minus 8.1 cents in 1967.

It may be expected that if the adjustors were operative in the future that the adjustments would be generally negative unless there is a substantial improvement in utilization. Further, under premium pricing conditions which exists in these markets, any adjustor (or adjustors) which would respond to changing supply and demand conditions would produce prices often differing considerably from effective levels of returns received by producers.

The intended purpose of a supply-demand adjustor in either market, thus, cannot be achieved because under existing conditions it would be ineffective in modifying producer returns and handlers' cost in relation to market conditions. Prices paid by regulated handlers in these two markets for Class I milk, as shown, exceed order Class I prices by varying amounts.

In order for a supply-demand adjustor to operate in an appropriate or beneficial way in the markets under consideration, it must have a significant influence on the effective Class I price level. In a situation where substantial premiums have persisted for a considerable period the premium price is the one which influences the supply-sales balance rather than the supply-demand adjustor price. In these two markets, State agency Class I prices are fixed independently of the Federal order prices. Thus, Federal order supply-demand adjustors, even if effective, cannot be regarded as influencing the level of premium prices.

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

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

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

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

It is necessary, therefore, to eliminate the New Orleans and Mississippi supply-demand adjustors because of the persistence of substantial premiums which would cause the adjustors to result in inappropriate Class I prices if reinstated at this time, whether in the present form or in any form which might be based on this record.

2. *Diversion.* Both the Mississippi and New Orleans orders should be modified to allow producer milk under one of the orders to be diverted for Class II use to a plant regulated by the other order.

In the Mississippi order definition of "producer," it is already provided that a producer's milk may be diverted to an other order plant for Class II use. A similar provision should be included in the New Orleans order under the definitions of producer and producer milk. Also, each order should provide that milk received at a pool plant will not be producer milk if received as milk diverted from the other order.

The purpose of these provisions is to allow a more efficient handling of reserve milk under the two orders. Some of the Mississippi order reserve milk may be most conveniently diverted to a New Orleans pool plant at Franklinton, La. The Franklinton plant, however, cannot now receive such milk except as producer milk under the New Orleans order. Since such a shift to pricing and pooling under the New Orleans order is not desired, the cooperative handling the milk has in practice diverted it to the more distant unregulated plant at Brookhaven, Miss.

It is desirable that the milk of dairy farmers continue under the same order,

[1] Official notice is taken of the announcements of the New Orleans market administrator for the months of April and May 1968 and Class I prices published by the Commissioner of Agriculture, Louisiana State Department of Agriculture, for the months of April and May 1968.

[2] Official notice is taken of the announcements of the Mississippi market administrator for the months of April and May 1968 and Class I prices published by the Mississippi Milk Commission for the months of April and May 1968.

although their milk is temporarily delivered to a plant under another order for manufacturing. For the individual farmer, producer status under two orders in the same month is confusing and may disrupt the application of the base and excess plan to his milk. For the cooperative association handling the milk, it complicates methods of accounting and interferes in the relationship between the cooperative and its membership. To change the regulation of the milk to the other order during diversion for Class II use would serve no useful purpose.

The modifications in the diversion provisions are not intended to change the limits for diversion as already stated in these orders. For instance, in the New Orleans order a cooperative association may divert 20 percent of its member-producer milk received by all pool handlers during the month. Such limit and the alternative limit of 15 days of production (of any one dairy farmer) should apply to total diversions to nonpool plants whether or not such plant is regulated by another order. The term "pool plants" is substituted for "pool handlers'" in the proposed provisions for greater specificity.

Similarly, under the Mississippi order, the limitations for diversion, whether stated in days of production or percentage of member-producer milk, should apply to combined diversions to other order plants and plants not regulated by any order.

Provision is also made in each order that milk received as a diversion from any order (including orders other than these two) may be received only as Class II milk. Because the purpose of allowing receipt of milk diverted from another order market is only to accommodate the handling of the other market's reserve milk, the Class II classification is appropriate. The assignment is appropriately designated in modified language of the allocation provisions of both orders.

3. *Cooperative pool plant.* A plant operated by a cooperative should qualify as a pool plant if 50 percent or more of the association's member-producer milk is received at pool distributing plants directly from producers' farms.

The purpose of this provision is to facilitate the pooling of reserve milk handled by a cooperative association. The cooperative that is the proponent of this provision handles a large part of the reserve milk of the New Orleans market. Under the proposal, milk of member dairy farmers, when not needed at pool distributing plants would automatically qualify as producer milk if delivered to the association plant.

All of the milk produced by association members is assembled by the association as a bulk tank handler. The tank trucks of the association collect the milk from farmers for movement to city distributing plants or to manufacturing plants. The supply requirements of the city distributing plants are met primarily in this manner. Very little of the milk for distributing plants is shipped from other plants.

Thus, it is essential that some method be provided for pooling reserve milk in those periods when it is not required by the pool distributing plants. In this case a plant of the cooperative is the most efficient and adequate outlet for the reserve milk which must in any case be used primarily in manufacturing. The most direct method of pooling the milk, therefore, is to designate the plant as a pool plant. This method of providing for the handling of reserve milk serves a purpose similar to that of diversion. In this market, the provision for pooling the cooperative plant will provide a more flexible method of handling reserve milk.

The requirement that 50 percent of the member-producer milk of the cooperative association be delivered to pool distributing plants will establish identification of the entire member milk supply with the market. This is the same percentage as applies in the case of shipments by supply plants in order to qualify as pool plants. There is no need to apply a higher percentage in the case of a cooperative plant.

In this market where the cooperative operates several plants, it is necessary that the cooperative designate the particular plants for which it desires pool status. Such designations would remain in effect as long as the requirement for pooling is met or until the cooperative requests nonpool status for any such plant.

4. *Definition of "route".* The definition of "route" should be modified. The new provision should define "route" as any delivery of a fluid milk product from a milk processing plant to wholesale or retail outlets (including any delivery by a vendor and from a plant store or through a vending machine) other than a delivery to any milk receiving and/or processing plant.

The quantity of milk disposed of on routes by a processing plant (including sales through vendors) serves to determine the regulated status of the plant. The route disposition, therefore, should be clear as to the type of disposition intended to be used as a basis for qualifying a plant for pooling.

Disposition by handlers of packaged products to retail and wholesale outlets represents the regular method of distributing milk for fluid comsumption in this market. It is a proper and adequate basis, therefore, to measure the association of the plant with the fluid market. It, also, serves as a measure for determination that the plant is primarily in the business of distributing milk to fluid outlets. Route disposition to retail and wholesale outlets has been the basis on which all existing distributing plants have qualified for pooling.

While the modified provision would include all regular disposition to retail and wholesale outlets, including disposition through vendors and plant stores, it would not provide for disposition to other plants as part of the pooling qualification. Interplant transfers in packaged or bulk form have not been a factor in determining pool status of plants. Under current trade practices in the market, it is most appropriate to continue the existing basis for pool qualification. It is necessary that the definition of route be clarified in this respect.

Rulings on Proposed Findings and Conclusions

A period was provided through May 1, 1968, for filing briefs. No briefs were filed.

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 each 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. The following findings are hereby made with respect to each of the aforesaid orders:

(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, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

A period was provided through June 10, 1968, for filing exceptions. No exceptions were filed.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Each of the New Orleans, La., and Mississippi Marketing Areas", and "Order Amending the Order Regulating the Handling of Milk in Each of the New Orleans, La., and Mississippi Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

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

hereby proposed to be amended by the attached order which will be published with this decision.

DETERMINATION OF REPRESENTATIVE PERIOD

The month of April 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of each of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the New Orleans, La., and Mississippi marketing areas, is approved or favored by producers, as defined under the terms of the respective order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area of the respective order.

Signed at Washington, D.C., on June 21, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Orders Regulating the Handling of Milk in the New Orleans, La., and Mississippi Marketing Areas

§§ 1094.0, 1103.0 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 each 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. The following findings are made with respect to each of the aforesaid orders.

(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 agreements and to the orders regulating the handling of milk in the New Orleans, La., and Mississippi marketing areas. 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 areas, 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; and

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New Orleans, La., and Mississippi marketing areas shall be in conformity to and in compliance with the terms and conditions of the respective aforesaid orders as amended and as hereby amended, as follows:

PART 1094—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

1. Section 1094.7 is revised to read as follows:

§ 1094.7 Route.

"Route" means any delivery of a fluid milk product from a milk processing plant to wholesale or retail outlets (including any delivery by a vendor and from a plant store or through a vending machine) other than a delivery to any milk receiving and/or processing plant.

2. In § 1094.10, a new paragraph (d) is added to read as follows:

§ 1094.10 Pool plant.

* * * * *

(d) A plant, other than a distributing plant, which is operated by a cooperative association and which does not meet the requirements of paragraphs (b) or (c) of this section, in any month in which the volume of milk received at pool distributing plants directly from member-producers of such cooperative association is not less than 50 percent of the total pounds of such association's member-producer milk (including that received at such plant), if written request is made to the market administrator by the cooperative association prior to or during the month that the plant be a pool plant pursuant to this provision for the month, or for each month, such request to be effective until withdrawn.

3. In § 1094.14, the introductory text which precedes paragraph (a), and paragraphs (b) and (c) are revised to read as follows:

§ 1094.14 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a pool plant (except milk received by diversion from a plant at which such milk is fully subject to the pricing provisions of another order issued pursuant to the Act, and which is allocated to Class II pursuant to § 1094.46(a)(4)(iii) and the corresponding provisions of § 1094.46(b)) or by a cooperative association pursuant to § 1094.12(d) or is diverted pursuant to paragraphs (a) through (c) of this section: *Provided*, That milk so diverted shall be deemed to have been received at the location of the pool plant from which diverted.

* * * * *

(b) To a nonpool plant (except that diversion to an other order plant shall be limited to Class II use) during any month(s) of December and February through August;

(c) Except as provided in subparagraphs (1) and (2) of this paragraph, to a nonpool plant (except that diversion to an other order plant shall be limited to Class II use) during each month of January and September through November, but not more than 15 days production of any dairy farmer during any such month: *Provided*, That if this limit is exceeded for any dairy farmer, such dairy farmer shall be a producer only with respect to that milk physically received at pool plants during such month:

(1) A cooperative association may divert for its account the milk of any member-producer without limit during the month if the total volume of milk so diverted does not exceed 20 percent of its member-producer milk physically received at all pool plants during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such association during the month shall be subject to the 15-day limitation prescribed above.

(2) A handler in his capacity as the operator of a pool plant may divert for his account the milk of any nonmember producer without limit during the month if the total volume of nonmember milk so diverted does not exceed 20 percent of the nonmember producer milk physically received at such pool plant during the month: *Provided*, That if this percentage limitation is exceeded all diversions by such handler during the month shall be subject to the 15-day limitation prescribed above.

4. Section 1094.15 is revised to read as follows:

§ 1094.15 Producer milk.

"Producer milk" means milk received at a pool plant directly from producers or diverted pursuant to § 1094.14: *Provided*, That milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing provisions of another order issued pursuant to the Act and which is allocated to Class II pursuant to § 1094.46(a)(4)(iii) and the corresponding provisions of § 1094.46(b) shall not be producer milk.

5. In § 1094.51, the text of paragraph (a) is revised to delete language referring to the supply-demand adjustor and subparagraphs (1) through (6) are deleted. Paragraph (a) as revised reads as follows:

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

§ 1094.51 **Class prices.**

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $2.65, plus 20 cents through April 1969.

* * * * *

6. In § 1094.46, paragraph (a) (4) is revised by deleting the word "and" at the end of subdivision (i) and adding the word "and" at the end of subdivision (ii), and a new subdivision (iii) is added to read as follows:

§ 1094.46 **Allocation of skim milk and butterfat classified.**

* * * * *

(a) * * *

(4) * * *

(iii) Receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order;

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. In § 1103.15, the introductory text which precedes paragraph (a) is revised to read as follows:

§ 1103.15 **Producer.**

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is received during the month at a pool plant (except milk received by diversion from a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act and which is allocated to Class II pursuant to § 1103.46(a) (4) (iv) and the corresponding provisions of § 1103.46(b)) or by a cooperative association pursuant to § 1103.13(d), or is diverted pursuant to paragraphs (a) through (e) of this section: *Provided,* That milk diverted in accordance with the provisions of said paragraphs shall be deemed to have been received by the diverting handler at the location of the pool plant from which it was diverted and: *Provided further,* That if a handler, diverting milk pursuant to paragraph (d) or (e) of this section, diverts in excess of the limits prescribed all diversions by such handler during the month shall be pursuant to paragraph (c) and: *Provided also,* That if a handler diverting milk pursuant to paragraph (c) of this section, diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant:

* * * * *

2. Section 1103.16, is revised to read as follows:

§ 1103.16 **Producer milk.**

"Producer milk" means only the skim or butterfat contained in milk (a) received at a pool plant(s) directly from a producer (except that milk received at a pool plant by diversion from a plant at which such milk is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act and which is allocated to Class II pursuant to § 1103.46(a) (4) (iv) and the corresponding provisions of § 1103.46(b) shall not be producer milk), (b) diverted in accordance with the provisions of § 1103.15 to the pool plant of another pool handler or to a nonpool plant, or (c) received by a cooperative association pursuant to § 1103.13(d).

3. In § 1103.51, the text of paragraph (a) is revised to delete language referring to the supply-demand adjustor and subparagraphs (1), (2), and (3) are deleted. Paragraph (a) as revised reads as follows:

§ 1103.51 **Class prices.**

* * * * *

(a) *Class I milk price.* The minimum Class I price for the month shall be the basic formula price for the preceding month plus $2.27, plus 20 cents through April 1969.

* * * * *

4. In § 1103.46, paragraph (a) (4) is revised by deleting the word "and" at the end of subdivision (ii) and adding the word "and" at the end of subdivision (iii) and a new subdivision (iv) is added to read as follows:

§ 1103.46 **Allocation of skim milk and butterfat classified.**

* * * * *

(a) * * *

(4) * * *

(iv) The pounds of skim milk in receipts of milk by diversion from an other order plant for which Class II utilization was requested by the receiving handler and by the diverting handler under the other order, but not in excess of the pounds of skim milk remaining in Class II milk;

* * * * *

[F.R. Doc. 68-7613; Filed, June 26, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF ADMINISTRATION / ADMINISTRATIVE OFFICER, GRAND JUNCTION, COLO.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to redelegation of authority contained in Bureau Manual 1510.03C and the State Director's redelegation order of April 16, 1968, the Chief, Division of Adminstration, Administrative Officer, Grand Junction District is authorized to:

1. To enter into contracts with established sources for supplies and services, excluding capitalized and major noncapitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized and major noncapitalized equipment, not to exceed $1,000 per transaction, provided the requirement is not available from the established sources, and

3. To enter into negotiated contracts without advertising pursuant to section 302(c)(2) of the FPAS Act, as amended, for rental of equipment and aircraft covered by offer agreements necessary for the purpose of emergency fire suppression, and

4. To enter into contracts for construction and land treatment not to exceed $2,000 per transaction.

B. This authority may not be further redelegated.

R. KEITH MILLER,
District Manager.

[F.R. Doc. 68-7594; Filed, June 26, 1968; 8:45 a.m.]

ADMINISTRATIVE OFFICER; DILLON, MONT.

Delegation of Authority Regarding Procurement

MAY 16, 1968.

District Manager, Dillon District, Mont., supplement to Bureau of Land Management manual 1510.

A. Pursuant to delegation of authority delegated to me by State Director, Montana, BLM Manual Supplement 1510, release 1-59, the following Administrative Officer is authorized:

1. *Open market purchasing.* To enter into contracts pursuant to section 302 (c)(3) of the FPAS Act, as amended, for supplies and services, excluding capitalized property, not to exceed $500 per transaction: *Provided,* That the requirement is not available from established sources of supply.

2. *Established sources of supply.* To procure necessary supplies and services, except capitalized property, available from established sources of supply, not to exceed $500 per transaction.

R. MCELDERY,
District Manager.

[F.R. Doc. 68-7595; Filed, June 26, 1968; 8:45 a.m.]

LEGAL ADMINISTRATIVE ASSISTANT

Delegation of Authority Regarding Contracts

Chief Hearing Examiner, Sacramento, Calif., supplement to Bureau of Land Management Manual 1510.

A. Pursuant to delegation of authority contained in Bureau Manual 1510.-03B2h, the Legal Administrative Assistant is authorized:

1. To enter into contracts with established sources for stenographic reporting services regardless of amount, and supplies and services not to exceed $2,500 per transaction, and

2. To enter into contracts on the open market for stenographic reporting services not to exceed $2,500 per transaction, and for supplies and other services not to exceed $500 per transaction, provided the requirements are not available from other sources.

GRAYDON E. HOLT,
Chief Hearing Examiner.

[F.R. Doc. 68-7619; Filed, June 26, 1968; 8:47 a.m.]

[S 1659]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 21, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. S 1659, for the proposed withdrawal of the lands described below, subject to valid existing rights, from prospecting, location, entry, and purchase under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

HUMBOLDT MERIDIAN

SIX RIVERS NATIONAL FOREST

Big Flat Campground

T. 15 N., R. 2 E.,
Sec. 14, S½SE¼SE¼SE¼;
Sec. 23, NE¼NE¼NE¼.

Cedar Rustic Campground

T. 17 N., R. 3 E.,
Sec. 9, SE¼SE¼SE¼;
Sec. 16, NE¼NE¼NE¼.

Sheily Creek Campground

T. 17 N., R. 3 E.,
Sec. 5, W½SW¼ lot 5 (W½SW¼NE¼ NE¼).

Tish Tang Campground

T. 7 N., R. 5 E.,
Sec. 5, W½ lot 3, lot 4, N½ lot 5, lots 6, and 37.

The areas described aggregate 140 acres in Humboldt and Del Norte Counties.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 68-7602; Filed, June 26, 1968; 8:46 a.m.]

[Colorado 3984]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 20, 1968.

The Atomic Energy Commission and the Bureau of Mines, Department of the Interior, have jointly filed an application, serial number C-3984, for the withdrawal of the lands described below from all forms of appropriation under the public land laws including the general

mining laws and the mineral leasing laws subject to valid existing rights.

The applicants desire the lands for experimental purposes in connection with the development of oil shale resources including in situ processing techniques.

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, Colorado Land Office, Room 15019 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agencies with the view of adjusting the application to reduce the area to the minimum essential to meet the applicants' needs, to provide for the maximum concurrent utilization of the lands for purposes more essential than the applicants', and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved are:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 98 W.,
Sec. 14: SW¼;
Sec. 15: SE¼;
Sec. 22: NE¼;
Sec. 23: NW¼.

The area described aggregates approximately 640 acres.

J. ELLIOTT HALL,
Land Office Manager.

[F.R. Doc. 68–7596; Filed, June 26, 1968; 8:45 a.m.]

[Serial No. I–1569]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 20, 1968.

The Department of Agriculture has filed an application, Serial No. I–1569 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use in the granting of easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964 (78 Stat. 1089).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

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

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

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

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

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

ST. JOE NATIONAL FOREST

Gold Center Road

T. 42 N., R. 2 E.,
Sec. 11, W½NE¼, E½NW¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline of the Gold Center Road No. 301 over and across the named subdivisions.

West Fork Merry Creek Road

T. 43 N., R. 2 E.,
Sec. 33, NW¼NW¼.

A strip of land 66 feet in width, being 33 feet in width on both sides of the centerline of the West Fork Merry Creek Road No. 1491 over and across the named subdivisions.

The areas described aggregate 6.14 acres, more or less, in Shoshone County, Idaho.

E. D. BARNES,
Acting Manager, Land Office.

[F.R. Doc. 68–7623; Filed, June 26, 1968; 8:47 a.m.]

[Serial No. I–2339]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 20, 1968.

The Boise Interagency Fire Center, Bureau of Land Management has filed an application, serial No. I–2339 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. The applicant desires the land for use as a fire personnel and equipment training area and a radio site.

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, 550 West Fort Street, Boise, Idaho 83702.

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

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.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

KUNA BUTTE ADMINISTRATIVE SITE

T. 1 N., R. 1 W., Boise Meridian, Idaho,
Sec. 3, SW¼;
Sec. 4, SE¼;
Sec. 9, NE¼;
Sec. 10, NW¼.

The area described aggregates 640 acres in Ada County, Idaho.

E. D. BARNES,
Acting Manager, Land Office.

[F.R. Doc. 68–7624; Filed, June 26, 1968; 8:47 a.m.]

[M 9354]

MONTANA

Notice of Filing of Plats of Survey

JUNE 20, 1968.

1. Plats of survey of the lands described below will be officially filed at the Land Office, Billings, Mont., effective at 10 a.m. on July 30, 1968:

PRINCIPAL MERIDIAN, MONTANA

T. 20 N., R. 9 E.,
Sec. 31, lots 1, 2, 3, and 4, E½, and E½W½.

2. The lands have been segregated from entry or appropriation under the agricultural land laws because of withdrawal for Lewis and Clark National Forest as provided in Executive Order 5834. The lands have not or are not segregated from mineral leasing or entry under the mining laws.

3. The survey of these lands does not change their former status. Inquiries concerning the lands should be addressed to the Manager, Land Office, Federal Building, 316 North 26th Street, Billings, Mont. 59101.

KENNETH J. SIRE,
Acting Manager, Land Office.

[F.R. Doc. 68–7598; Filed, June 26, 1968; 8:45 a.m.]

[Serial No. N–1398]

NEVADA

Notice of Classification

Notice is hereby given that the lands described below are hereby classified for exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), for lands located north of Reno, Washoe County, Nev., in the Freds Mountain, Antelope Valley, and Peterson Mountain areas. This publication is made pursuant to the Act of September 19, 1964, 43 U.S.C. 1412.

Three protests were received during the time allotted by the Notice of Proposed Classification dated April 17, 1968, from Mr. and Mrs. Clyde C. Miller et al., Jess B. Hess and Mr. Charles H. Nash, holders of mining claims and two mill sites on lands that were included in the Notice of Proposed Classification. In order to satisfy the protests it was agreed to delete the following described land from this classification:

SE¼SW¼ sec. 14, NE¼NW¼, N½SE¼, and the SW¼SE¼ sec. 26, T. 22 N., R. 19 E., MDM.

In accordance with the agreement the protestants, Mr. and Mrs. Miller et al., Mr. Hess and Mr. Nash have withdrawn their protests. Therefore, the SE¼SW¼ section 14, NE¼NW¼, N½SE¼, and the SW¼SE¼ section 26, T. 22 N., R. 19 E., MDM, are withheld from this classification and the segregative effect of the proposed classification of April 17, 1968, as to the lands described above is hereby terminated upon publication of this notice as provided by the regulations in 43 CFR 2411.2(e)(2)(ii).

The District Advisory Board, local government officials, and other interested parties have been notified of this notice. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands for "exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program."

The lands affected by this classification are located north of Reno, Washoe County, Nev., and are described as follows:

MOUNT DIABLO MERIDIAN

T. 22 N., R. 18 E.,
Sec. 12, E½;
Sec. 24, E½;
Sec. 36, E½.
T. 24 N., R. 18 E.,
Sec. 33, SW¼NE¼, S½NW¼, SE¼SE¼.
T. 21 N., R. 19 E.,
Secs. 4, 6, all.
T. 22 N., R. 19 E.,
Secs. 8, 18, 28, 30, 32, 34, all;
Sec. 13, SW¼NE¼;
Sec. 14, E½, NW¼, N½SW¼, SW¼SW¼;
Sec. 26, W½NW¼, SE¼NW¼, SW¼, SE¼SE¼;
Sec. 31, S½.

The area described aggregates 7553.60 acres. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the classification may present their views in writing to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

For the State Director.

HORACE E. JONES,
District Manager.

[F.R. Doc. 68–7600; Filed, June 26, 1968; 8:45 a.m.]

[N–2431]

NEVADA

Notice of Proposed Classification of Public Lands for Disposal

JUNE 20, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18), and to the regulations in 43 CFR 2411.1–2(b), it is proposed to classify for disposal, the public lands described in paragraph 4 below.

2. This proposal has been discussed with the District Advisory Board, local government officials, and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1–3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal Program."

3. Publication of this notice will segregate the lands from all appropriation under the public land laws including location under the mining laws, except as provided in paragraph 5 below. Publication will 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. As used in this order, the term "public lands" means any land (1) withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or (2) 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 a Federal use or purpose.

4. It is hereby proposed to classify the following described public lands for selection under the Point Reyes National Seashore Act of September 13, 1962 (76 Stat. 538; 16 U.S.C., secs. 459c—459c–7):

MOUNT DIABLO MERIDIAN

LANDER COUNTY

T. 32 N., R. 44 E.,
Sec. 2, lots 1, 2, S½NE¼, SW¼NW¼, S½;
Sec. 14, lots 5–12, inclusive, NE¼.

EUREKA COUNTY

T. 33 N., R. 48 E.,
Sec. 12.
T. 34 N., R. 48 E.,
Sec. 2, lots 1–4, inclusive, S½N½, S½;
Sec. 12, W½NE¼, W½, NW¼SE¼;
Sec. 20, NW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 30, NE¼NW¼.
T. 35 N., R. 48 E.,
Sec. 24, lots 1, 2, 7, S½NE¼, E½SW¼, SE¼;
Sec. 26, lot 1, SE¼NE¼, SE¼;
Sec. 36.
T. 33 N., R. 49 E.,
Sec. 2, W½;
Secs. 10, 14, 16;
Sec. 20, S½;
Sec. 22;
Secs. 24, 26, 28;
Sec. 30, lots 1, 2, E½, E½W½;
Secs. 32, 34, 36.
T. 34, N., R. 49 E.,
Sec. 36, W½.
T. 35 N., R. 49 E.,
Sec. 8, SE¼;
Sec. 10, S½;
Sec. 12, S½;
Sec. 16;
Sec. 18, S½.
T. 35 N., R. 51 E.,
Sec. 12, S½;
Sec. 14, NE¼NE¼;
Sec. 24, SW¼NE¼, W½, W½SE¼;
Sec. 36, W½NW¼.
T. 36 N., R. 51 E.,
Sec. 34, E½NW¼.
T. 35 N., R. 52 E.,
Sec. 6, lot 7.

ELKO COUNTY

T. 44 N., R. 50 E.,
Sec. 8, S½NW¼, S½;
Sec. 9, S½SW¼, NW¼SW¼;
Sec. 14, lots 1–12, inclusive;
Sec. 15, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 16, 17;
Sec. 18, lots 3, 6, 7, 14;
Sec. 19, E½E½;
Secs. 20, 21, 22;
Sec. 23, N½, N½S½;
Sec. 24, lots 1–6, inclusive, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼.
T. 34 N., R. 55 E.,
Sec. 3, N½, N½NE¼SE¼, SE¼NE¼SE¼, W½SW¼, W½E½SW¼, SE¼SE¼SW¼;
Sec. 8, N½NE¼NE¼, W½SE¼NE¼NE¼, SW¼NE¼NE¼, E½NW¼NE¼, N½NW¼NW¼NE¼, SW¼NW¼NW¼NE¼, SW¼NW¼NE¼, N½NE¼SW¼NE¼, SW¼NE¼SW¼NE¼, SE¼SW¼NE¼, E½NW¼SW¼NE¼, NE¼SW¼SW¼NE¼, N½NE¼SE¼NE¼, NW¼SE¼NE¼, W½SW¼SE¼NE¼, N½SE¼SE¼NE¼, SW¼SE¼SE¼NE¼, E½NE¼NW¼, NW¼NE¼NW¼, N½SW¼NE¼NW¼, SW¼SW¼NE¼NW¼, E½NW¼NW¼, N½NW¼NW¼NW¼, SW¼NW¼NW¼NW¼, SW¼NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, N½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, W½NW¼SE¼NW¼, W½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, S½SE¼SE¼NW¼, NE¼SW¼, E½NW¼SW¼, NW¼NW¼SW¼, N½SW¼NW¼SW¼, SE¼NW¼SW¼, NW¼NE¼SE¼, N½NW¼NE¼SE¼, SW¼NW¼NE¼SE¼, SE¼NE¼SE¼, E½NW¼SE¼, S½NW¼NW¼SE¼, SW¼NW¼SE¼.
T. 35 N., R. 55 E.,
Sec. 34, S½S½.
T. 34 N., R. 56 E.,
Sec. 18.

The lands described aggregate 23,132.65 acres.

5. The lands will be open to application by all qualified individuals on an equal opportunity basis, when the lands are classified by a subsequent order. All applications for exchange must be accompanied by a statement from the Chief, Office of Land and Water Rights, National Park Service, San Francisco, Calif., that the proposal is feasible in accordance with 43 CFR 2244.1–2(b)(1).

6. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish

to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Elko District Manager, Bureau of Land Management, 2002 Idaho Street, Elko, Nev. 89801.

For the State Director.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 68-7601; Filed, June 26, 1968; 8:46 a.m.]

[Serial No. N-1279]

NEVADA

Notice of Classification of Public Lands for Multiple-Use Management; Correction

JUNE 20, 1968.

1. Notice of Classification, Serial No. N-1279, for multiple-use management, was published as FEDERAL REGISTER Document No. 68-6235 of the issue for Saturday, May 25, 1968.

2. The description of the lands contained in paragraph 3, should be corrected, in part, to read as follows:

"The public lands lie in northwest Humboldt County, Nev., and are within the area generally described as follows:

"The Soldier Meadow-Mahogany Creek area, located in northwestern Nevada in the northwest portion of Humboldt County. The area is bounded on the north by the Charles Sheldon Game Range; on the east by the boundary line which varies between Ranges 25 and 26, 26 and 27 East; on the south by the Pershing County line; and on the west by the Washoe County line."

ROLLA E. CHANDLER,
Acting State Director.

[F.R. Doc. 68-7620; Filed, June 26, 1968; 8:47 a.m.]

[Serial No. N-1280]

NEVADA

Notice of Classification of Public Lands For Multiple-Use Management

JUNE 20, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands described in paragraph 3 below are hereby classified for multiple-use management.

2. The public lands described in paragraph 3 shall remain open to all forms of appropriation and disposal, including the mining laws, but not the agricultural land laws (43 U.S.C. chs. 7 and 9; 25 U.S.C. sec. 334) and sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), except as provided in paragraph 4. As used in this order, the term "public lands" means any land 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 a Federal use or purpose.

3. The classified public lands are shown on Maps No. N-1280 on file in the following Bureau of Land Management Offices: Winnemucca District Office, Winnemucca, Nev.; Susanville District Office, Susanville, Calif.; Carson City District Office, Carson City, Nev.; and the Nevada Land Office, Reno, Nev.

Comments received as a result of publication of notice of proposed classification, 32 F.R. 14163 (Oct. 12, 1967), and a public hearing held November 3, 1967, have been carefully evaluated and modifications in the classification resulting therefrom are contained in this notice.

The public lands lie in Washoe County, Nev., and are within the area generally described as follows:

Commencing at the northeast corner of Washoe County at the Nevada-Oregon State line: thence southerly along the eastern boundary of Washoe County to Fernley, Nev.; thence westerly along the Truckee River to Mustang; thence northerly to the south boundary of T. 21 N., R. 21 E.; thence easterly to the southwest corner of T. 21 N., R. 23 E.; thence northerly to the Pyramid Lake Indian Reservation; thence northwesterly about 7 miles along the boundary of the Pyramid Lake Indian Reservation; thence westerly about 8 miles; thence southerly to the southeast corner of sec. 27, T. 20 N., R. 20 E.; thence westerly along the southern boundary of the Peavine-Wedekind Area; thence northerly 2½ miles; thence easterly along the north boundary of the Peavine-Wedekind Area; thence northerly 6 miles; thence westerly to the California State line; thence northerly along the California State line to the northwest corner of Washoe County; thence east to the point of beginning.

The area described above aggregates approximately 2,648,400 acres of public land.

4. As provided in paragraph 2 and effective upon publication of this notice in the FEDERAL REGISTER, the proposed classification is hereby modified and the following lands are classified to the extent described below.

PEAVINE AREA

a. The proposed classification insofar as it may have applied to the following lands, is canceled. These lands were previously reconveyed to the Government for the protection of the city of Reno Peavine Watershed, and are not open to entry, application, or disposal.

T. 20 N., R. 19 E.,
Sec. 20, E½;
Sec. 21, S½NE¼, S½, NW¼;
Sec. 29, W½NE¼, NW¼, NE¼SW¼, N½NW¼SW¼, S½SW¼SW¼, E½SE¼SW¼, SW¼SE¼SW¼, SE¼;
Sec. 31, lots 3, 15, 17, 18, 19, and Mineral Survey 3624;
Sec. 33, S½SW¼NE¼, S½SE¼NW¼, NE¼SW¼, S½N½SE¼NW¼, W½NW¼, NW¼SW¼, NW¼SE¼, SW¼SW¼.

The above-described lands aggregate approximately 2,047.635 acres.

b. The proposed classification is modified to provide that the mineral segregation is hereby terminated on the following described lands, and they will remain open to the mining, mineral leasing and material sale laws and the Recreation and Public Purposes Act. These lands are segregated from all other forms of disposal:

T. 20 N., R. 18 E.,
Sec. 10, S½, except mineral patents;
Sec. 13, S½SE¼, except mineral patents;
Sec. 14, S½NE¼, SE¼, W½;
Sec. 22, E½;
Sec. 24, all, except mineral patents.
T. 20 N., R. 19 E.,
Sec. 7, lots 1 and 2 (SW¼);
Sec. 17, NW¼NE¼SE¼, NE¼SW¼SE¼, W½SW¼SE¼, E½NW¼SE¼, SE¼SE¼SW¼;
Sec. 18, all, except mineral patents;
Sec. 20, W½;
Sec. 21, S½NE¼NE¼NE¼;
Sec. 28, E½NE¼, SW¼NE¼, S½, NW¼;
Sec. 29, E½NE¼, S½NW¼SW¼, N½SW¼SW¼, NW¼SE¼SW¼;
Sec. 30, all;
Sec. 31, lots 13 and 20, N½NE¼ except lot 15, S½NE¼ except lots 17, 18, and M.S. 3624, N½SE¼ except lot 19 and M.S. 3624;
Sec. 32, all;
Sec. 33, S½SW¼NE¼, S½SE¼NW¼, NE¼SW¼, S½N½SE¼NW¼, W½NW¼, NW¼SW¼, NW¼SE¼, SW¼SW¼.

The above-described lands aggregate approximately 4,951 acres.

WEDEKIND AREA

c. The proposed classification is modified to provide that the mineral and public land law segregation is hereby terminated on the following described lands, and they will remain open to the mining, mineral leasing, and material sale laws and the public land laws except as provided in paragraph 2.

T. 20 N., R. 19 E.,
Sec. 2, S½;
Sec. 4, S½SW¼;
Sec. 10, NW¼NE¼, N½NW¼;
Sec. 12, all;
Sec. 16, SW¼SE¼, SW¼.

T. 20 N., R. 20 E.,
Sec. 7, lots 1, 2, 3, and 4, W½NE¼, E½W½;
Sec. 8, NE¼NE¼;
Sec. 9, SW¼;
Sec. 16, N½NE¼, SW¼NE¼, NW¼SE¼, W½.

The above-described lands aggregate approximately 2,410.96 acres.

d. The proposed classification is affirmed as it pertains to the following lands to the extent that they will remain open to the mineral leasing and material sale laws and the Recreation and Public Purposes Act. The land is segregated from all other forms of disposal, including the general mining laws:

MOUNT DIABLO MERIDIAN, NEVADA

T. 20 N., R. 19 E.,
Sec. 22, N½SE¼SE¼, SW¼SE¼, NW¼SE¼NW¼, NE¼SW¼NW¼, E½NW¼SW¼NW¼;
Sec. 24, lots 1, 4, 5, 6, 7, and 8, W½E½, E½SW¼;
Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, and 11, SW¼NE¼, NW¼SE¼, NE¼SW¼, SE¼NW¼;
Sec. 27, lot 3, NE¼NE¼, W½NE¼SE¼NE¼, E½NE¼NW¼NE¼, S½SW¼, NW¼SW¼, S½NW¼NE¼NW¼, S½NW¼SW¼NW¼, S½NE¼NW¼NW¼, S½NW¼NW¼.

T. 20 N., R. 20 E.,
Sec. 20, E½, E½SW¼;
Sec. 21, S½SW¼, NW¼SW¼;
Sec. 28, SW¼NE¼, SE¼, N½SW¼, SW¼SW¼, NW¼;
Sec. 29, E½, E½SW¼, NW¼SW¼, NW¼;
Sec. 30, lots 1, 2, and 3, SW¼NE¼SE¼, E½NW¼NE¼SE¼.

The above-described lands aggregate approximately 2,980.53 acres.

RECREATION SITES

e. The public lands listed below will remain open to the mineral leasing and material sale laws, and the Recreation and Public Purposes Act. The lands are segregated from all other forms of disposal, including the general mining laws.

MOUNT DIABLO MERIDIAN, NEVADA

T. 44 N., R. 18 E.,
Sec. 2, SE¼NE¼, E½SE¼;
Sec. 11, SE¼NE¼, E½SE¼, New Year's Lake.
T. 36 N., R. 19 E.,
Sec. 2, lot 1.
T. 37 N., R. 19 E.,
Sec. 35, SE¼SE¼, Duck Flat Petrified Forest.
T. 34 N., R. 23 E.,
Sec. 34, N½NW¼, Granite Creek Petroglyphs.
T. 38 N., R. 23 E.,
Sec. 21, SE¼;
Sec. 22, W½SW¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½NE¼, George Lund Petrified Forest.

The area described above aggregates approximately 520 acres.

5. For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240. (43 CFR 2411.1–2(d)).

ROLLA E. CHANDLER,
Acting State Director.

[F.R. Doc. 68–7621; Filed, June 26, 1968; 8:47 a.m.]

[Serial No. N–1525]

NEVADA

Notice of Proposed Classification of Public Lands for Multiple-Use Management; Correction

JUNE 20, 1968.

1. Notice of Proposed Classification, Serial No. N–1525, for multiple-use management, was published as FEDERAL REGISTER Document No. 68–6587 of the issue for Wednesday, June 5, 1968.

2. The legal descriptions in paragraph 5 should be corrected as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 4 S., R. 35 E.,
Sec. 1, Lots 1, 2, 3, and 4, NE¼, N½NE¼NW¼, SW¼NE¼NW¼, W½SE¼NE¼NW¼, NW¼NW¼, SE¼NW¼, N½SE¼, SE¼SE¼.
T. 4 S., R. 36 E.,
Sec. 35, Lots 1, 2, 3, and 4.

ROLLA E. CHANDLER,
State Director.

[F.R. Doc. 68–7622; Filed, June 26, 1968; 8:47 a.m.]

[New Mexico 6810]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 21, 1968.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 6810, for the withdrawal of the lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundary of the Lincoln National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of natural resources.

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 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

T. 18 S., R. 11 E.,
Sec. 14, S½NE¼ and SE¼;
Sec. 16;
Sec. 23, E½;
Sec. 25;
Sec. 26, E½NE¼ and NE¼SE¼.
T. 19 S., R. 11 E.,
Sec. 4, lots 3, 4, S½NW¼ and SW¼;
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1, 2 and S½NE¼.

The areas described above contain 3084.46 acres in Otero County, N. Mex.

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

[F.R. Doc. 68–7597; Filed, June 26, 1968; 8:45 a.m.]

[New Mexico 0557096]

NEW MEXICO

Notice of Classification

JUNE 20, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 10 of the Act of September 14, 1961 (75 Stat. 500; 25 U.S.C. 624) for lands located in Valencia and Sandoval Counties, N. Mex.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 5 N., R. 19 E.,
Sec. 10, NE¼;
Sec. 11, N½ and N½S½;
Sec. 22, E½;
Sec. 23, N½NE¼, W½W½, E½NW¼, and E½SE¼.
T. 5, N., R. 20 E.,
Sec. 2, E½SE¼;
Sec. 6, lots 2, 3, 5, 6, 7, SW¼NE¼, and SE¼NW¼.
T. 6 N., R. 20 E.,
Sec. 21, SW¼SE¼;
Sec. 28, E½, SE¼NW¼, and NE¼SW¼;
Sec. 33, E½;
Sec. 34, S½;
Sec. 35, W½.
T. 17 N., R. 11 W.,
Sec. 18, lot 1, E½, and E½NW¼.

The areas described aggregate 3,551.84 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240.

MORRIS A. TROGSTAD,
Acting State Director.

[F.R. Doc. 68–7599; Filed, June 26, 1968; 8:45 a.m.]

[Serial No. U–5338]

UTAH

Notice of Proposed Classification of Public Lands for Multiple-Use Management; Correction

In F.R. Doc. 68–7245 appearing at pages 9035 and 9036 of the issue of Wednesday, June 19, 1968, the date of the public hearing is shown as June 27, 1968. The hearing date should be corrected to read July 2, 1968. The time and place remain the same.

R. D. NIELSON,
State Director.

[F.R. Doc. 68–7625; Filed, June 26, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

JOLLEY'S FEEDER PIG MARKET, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard and date of posting

KENTUCKY

Jolley's Feeder Pig Market, Albany, May 8, 1968.

MISSISSIPPI

Livestock Producers Assn., Tylertown, May 7, 1968.

MISSOURI

M.F.A. Livestock Association, Inc., Sedalia Concentration Point, Sedalia, May 15, 1968.

NEW MEXICO

Dulce Livestock Commission, Inc., Dulce, May 31, 1968.

NORTH CAROLINA

Howell Stables, Pikeville, June 6, 1968.

WASHINGTON

Walla Walla Livestock Commission Co., Inc., Walla Walla, June 11, 1968.

Done at Washington, D.C., this 20th day of June 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-7647; Filed, June 26, 1968; 8:49 a.m.]

TRIPOLI LIVESTOCK AUCTION, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard and date of posting

Tripoli Livestock Auction, Tripoli, Iowa, Feb. 1, 1968.

Stilwell Community Sale, Stilwell, Kans., Feb. 17, 1961.

Leavenworth Community Sale, Leavenworth, Kans., May 23, 1959.

Hopkinsville Livestock Company, Hopkinsville, Ky., Dec. 10, 1959.

Princeton Livestock Company, Princeton, Ky., Dec. 8, 1959.

Hillsdale County Farmer's Market, Jonesville, Mich., June 9, 1965.

Troy Livestock Exchange, Troy, Ohio, June 2, 1959.

Knoxville Sales, Inc., Knoxville, Pa., Mar. 17, 1960.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 20th day of June 1968.

G. H. HOPPER,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 68-7648; Filed, June 26, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19877]

AIR AFRIQUE

Notice of Postponement of Prehearing Conference and Hearing

The prehearing conference and hearing in the above-entitled proceeding, now assigned to be held on June 27, 1968, are hereby postponed indefinitely.

Dated at Washington, D.C., June 21, 1968.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[F.R. Doc. 68-7626; Filed, June 26, 1968; 8:48 a.m.]

[Docket No. 18650; Order E-26962]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

JUNE 21, 1968.

Issued under delegated authority.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 17, 1968, names additional rates under existing commodity descriptions, as set forth below. The rates proposed reflect significant reductions from the general cargo rates.

R-22:

Commodity Item 3126—Razor blades, 151 cents per kg. minimum weight 500 kgs., New York to Buenos Aires.

R-23:

Commodity Item 4316—Data processing systems, consisting of electronic computers and machines for accounting, bookkeeping, calculating and processing, etc.[1] 44 cents per kg., minimum weight 45 kgs., 37 cents per kg., minimum weight 300 kgs., New York to Bridgetown.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20107, R-22 and R-23, be approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-7627; Filed, June 26, 1968; 8:48 a.m.]

[Docket No. 18650; Order E-26963]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

JUNE 21, 1968.

Issued under delegated authority.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air

[1] For complete and precise description see applicable tariff.

Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 17, 1968, names additional specific commodity rates, as set forth in the attachment hereto, which reflect significant reductions from the general cargo rates. Additionally, the effectiveness of all existing specific commodity rates under Commodity Item 7119 [1]—"Books"—has been extended for 1 year through September 30, 1969.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20125, R–28 through R–34, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–7628; Filed, June 26, 1968; 8:48 a.m.]

[Docket No. 19942; Order E–26952]

SUN AIRLINE CORP.

Order To Show Cause

JUNE 20, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Memphis, Tenn., Tupelo, Miss., and Columbus, Miss.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E aircraft, equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Memphis, Tenn., Tupelo, Miss., and Columbus, Miss., shall be 29 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f);

It is ordered, That:

1. Sun Airline Corp., the Postmaster General, Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.

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

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

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

5. This order shall be served upon Sun Airline Corp., the Postmaster General, and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–7629; Filed, June 26, 1968; 8:48 a.m.]

[Docket No. 19943; Order E–26958]

SUN AIRLINE CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

JUNE 20, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent June 7, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Jackson, Miss., Laurel, Miss., and Gulfport, Miss.

No protest or objection has been filed against the service sproposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E aircraft, equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to

[1] R–33.

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

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

include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Jackson, Miss., Laurel, Miss., and Gulfport, Miss., shall be 29 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f);

It is ordered, That:

1. Sun Airline Corp., the Postmaster General, Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate speecified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.;

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

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

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

5. This order shall be served upon Sun Airlines Corp., the Postmaster General, and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-7630; Filed, June 26, 1968; 8:48 a.m.]

[Docket No. 19944; Order E-26957]

SUN AIRLINE CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

JUNE 20, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent June 7, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Birmingham, Ala., and Huntsville/Decatur, Ala.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E Aircraft, equipped for all-weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Birmingham, Ala., and Huntsville/Decatur, Ala., shall be 29 cents per great circle aircraft mile.

2. The final service mail route here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f);

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

It is ordered, That:

1. Sun Airline Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.

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

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

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

5. This order shall be served upon Sun Airline Corp., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-7631; Filed, June 26, 1968; 8:48 a.m.]

[Docket No. 19945; Order E-26956]

SUN AIRLINE CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

JUNE 20, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent June 7, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Memphis, Tenn., and Jackson, Tenn.

No protest or objection has been filed against the services proposed in the

notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E aircraft, equipped for all weather operations.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Memphis, Tenn., and Jackson, Tenn., shall be 29 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f);

It is ordered, That: 1. Sun Airline Corp., the Postmaster General, Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.;

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

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

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

5. This order shall be served upon Sun Airline Corp., the Postmaster General, and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-7632; Filed, June 26, 1968; 8:48 a.m.]

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

[Docket No. 19946; Order E-26955]

SUN AIRLINE CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

JUNE 20, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent June 7, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Montgomery, Ala., and Dothan, Ala.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E aircraft, equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Montgomery, Ala., and Dothan, Ala., shall be 29 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f);

It is ordered, That:

1. Sun Airline Corp., the Postmaster General, Southern Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.;

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

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

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

5. This order shall be served upon Sun Airline Corp., the Postmaster General, and Southern Airways, Inc.

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

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-7633; Filed, June 26, 1968; 8:48 a.m.]

[Docket No. 19947; Order E-26954]

SUN AIRLINE CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

JUNE 20, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent June 7, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 29 cents per great circle aircraft mile for the transportation of mail by aircraft between Nashville, Tenn., and Chattanooga, Tenn.

No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. In addition, the Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech, Model Super E aircraft, equipped for all weather operation.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to it by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Sun Airline Corp. pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Nashville, Tenn., and Chattanooga, Tenn., shall be 29 cents per great circle aircraft mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

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

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f);

It is ordered, That:

1. Sun Airline Corp., the Postmaster General, Eastern Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above, the final rate specified above, as the fair and reasonable rate of compensation to be paid to Sun Airline Corp.;

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

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

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

5. This order shall be served upon Sun Airline Corp., the Postmaster General, and Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-7634; Filed, June 26, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17314, AR64-1] [1]

GEORGE R. BROWN ET AL.

Order Permitting Withdrawal of Increased Rate Filing, Severing and Terminating Proceeding

JUNE 20, 1968.

On April 15, 1968, George R. Brown (Operator) et al. (Brown) filed a notice of withdrawal of an increased rate proposal from 15 cents to 16 cents per Mcf, designated as Supplement No. 2 to Brown's FPC Gas Rate Schedule No. 17, covering his jurisdictional sale of natural gas to Colorado Interstate Gas Co. from the Keyes Field, Cimarron County, Okla., Panhandle area. Said Supplement No. 2 was suspended by order issued December 31, 1958, in Docket No. G-17314 and has not been placed in effect.

As the subject increased rate has not been placed in effect, good cause exists for permitting its withdrawal, for severing the proceeding in Docket No. G-17314 from the proceeding in Docket No. AR64-1 and for terminating the proceeding in Docket No. G-17314.

The Commission orders:

Supplement No. 2 to George R. Brown (Operator), et al. FPC Gas Rate Schedule No. 17 is permitted to be and is considered as withdrawn, the proceeding in Docket No. G-17314 is severed from the proceeding in Docket No. AR64-1, and the proceeding in Docket No. G-17314 is terminated.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-7593; Filed, June 26, 1968; 8:45 a.m.]

[1] The proceeding in Docket No. G-17314 at the time it was consolidated in Docket No. AR64-1 was designated as Herman Brown.

ATOMIC ENERGY COMMISSION

STATE OF IDAHO

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Idaho for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Idaho and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program, including proposed Idaho regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well

as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 11th day of June 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF IDAHO FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Idaho is authorized under sections 39-3001 through 39-3019, Idaho Code (as passed by the Legislature in 1967) to enter into this agreement with the Commission; and

Whereas, the Governor of the State of Idaho certified on May 28, 1968, that the State of Idaho (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement; and

Whereas, this agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection, and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on October 1, 1968, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at ----------, in triplicate, this ------ day of ----------.

FOR THE ATOMIC ENERGY COMMISSION

FOR THE STATE OF IDAHO

FOREWORD

The Governor, on behalf of the State of Idaho, is authorized to enter into agreements with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation. This authority is granted in section 39-3009 of the Idaho Code as amended in 1967.

The Atomic Energy Commission (AEC) is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control of byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass. This authority is found in section 274b of the Atomic Energy Act of 1954 as amended.

This document briefly describes some of the past activities and accomplishments of the Radiological Health Program within the Idaho Department of Health in the control and regulation of ionizing radiation for the protection of the State's citizens. Proposed prorgams, staffing, equipment, and facilities are presented for the assumption of additional responsibilities with respect to sources of ionizing radiation, as well as supporting information on authority, regulation, and organization.

HISTORY

Introduction. The Idaho Department of Health's involvement in radiation control activities began in 1954. In that year the Department established recommended standards pertaining to fluoroscopic shoe-fitting devices and, through a voluntary educational inspection program, the use of these machines was discontinued in Idaho.

In 1958 the State Board of Health adopted general regulations covering the control, regulation, and registration of radioactive materials and radiation machines. The use of ionizing radiation in the healing arts was specifically exempted in these regulations, thereby essentially limiting the regulations to industrial and other nonmedical uses of ionizing radiation. In 1959 a voluntary survey of dental X-ray machines was initiated. Approximately two-thirds of these machines in Idaho were surveyed during 1959 and 1960.

In 1961 the 36th Session of the Idaho Legislature enacted the Radiation Control Act. This enabling legislation delegated to the Department of Health and the Department of Labor the responsibility of adopting regulations and standards for radiation protection, and required the registration of all sources of radiation located within the State. In addition, the legislation authorized the Governor to enter into negotiations with the U.S. Atomic Energy Commission for the assumption of the control and regulation by the State of certain radioactive materials presently under Federal jurisdiction. While regulations and standards for radiation control were being considered and drafted, the X-ray surveillance program was conducted on a voluntary basis. Also, the Department of Health began acquiring laboratory equipment for conducting certain radiological analyses.

In 1963 an Environmental Radiological Surveillance Network was established throughout various areas of the State and consisted of stations for the collection of air, water, milk, and precipitation samples.

After 3½ years and two public hearings, regulations were prepared by the Idaho Department of Health with assistance from the Governor's Committee on Atomic Energy and Radiation Hazards, and presented to and adopted by the Idaho State Board of Health in September 1964. These regulations covered the use of sources of radiation and required the registration of radiation machines and of the users of radioactive materials in the State of Idaho. With the adoption of the 1964 regulations, a program was begun for surveying the remainder of the X-ray machines in the State and for the registration of all sources of radiation.

In 1967 the 39th session of the Idaho Legislature enacted legislation which established the Idaho Nuclear Energy Commission and designated the Idaho State Board of Health as the State Radiation Control Agency. This new legislation, which superseded the 1961 Radiation Control Act, also authorized the governor to enter into an agreement with the Federal Government for the transfer of the control and regulation of certain radioactive materials. The Idaho Nuclear Energy Commission was to be the focal point in the State government for coordination of the promotion and development of nuclear energy for peaceful and productive purposes in Idaho. The Idaho State Board of Health is responsible for the protection of the occupational and public health and safety with regard to ionizing radiation.

X-ray program. The voluntary dental X-ray survey of 1959–60 covered approximately two-thirds of the dentists in Idaho. Of the 283 dentists contacted, 195 voluntarily requested surveys of their equipment. The survey of the dental installations consisted of (1) a visual check of the overall condition of the equipment; (2) a determination as to the adequacy of the beam filtration and collimation; (3) discussion of X-ray radiographic techniques; and (4) assessment of levels of radiation in various areas within the dental office.

In 1962, while anticipating the adoption of radiation control regulations, a follow-up survey was initiated for all dental X-ray units, including those that were previously surveyed. The reason initial efforts dealt with dental X-ray equipment was because of the dental profession's interest in radiation protection which had been fostered by the cooperative efforts of the Idaho Dental Society and the Dental Health Section of the Idaho Department of Health. It was also felt that follow-up inspections would give valuable information as to compliance with recommendations for radiation protection, and also aid in formulating the required frequency of visits in order to maintain a continuing upgrading of radiation protecton techniques. Also during this survey, preregistration information was obtained about each X-ray unit inspected.

With the adoption of the 1964 regulations, physical surveys of other than dental X-ray installations were started on a routine basis. Fifty-two hospitals, with a total of 165 X-ray units, have been surveyed and written reports submitted to the persons in charge of the hospitals. Also, approximately 70 medical radiographic units have been surveyed in the offices of physicians and veterinarians. Inspections of these facilities have been conducted in a similar manner, as were those for the dental X-ray units. However, because of the larger energy output of the medical X-ray machines, a more detailed inspection was made of the shielding characteristics of the facilities. Six industrial X-ray installations have been surveyed with the protection of the operators of primary concern in most of these surveys.

Radioactive materials. While inspecting X-ray equipment in hospitals and medical offices, inquiries were also made as to whether or not radioactive materials were used. If radioactive materials were present, information was obtained as to the types of isotopes used and the maximum amount of each isotope that would be on hand at any one time. This information was used for radioactive material registration which became effective in 1964. The storage and use of the radioactive materials were reviewed with the person(s) in responsible charge. Using survey instruments, the working areas were monitored to determine levels of radioactivity. In some instances wipe tests were made in laboratory working areas and the swabs analyzed in our radiological health laboratory. This nonroutine inspection of radioactive materials was not confined to radium. All isotopes used, whether or not they were licensed by the Atomic Energy Commission, were included in the registration and inspection program. Two special radium surveys are currently being made.

A survey of bank safety-deposit boxes for unshielded radioisotopes, particularly radium, was started in 1965 and is continuing. There is the possibility, as was found in other parts of the country, that radium left in estates after the death of some members of the medical profession would turn up in safety-deposit boxes, presenting a hazard to those people working nearby. In the 60 banks and savings and loan companies surveyed thus far, no sources have been found.

Surveys have also been conducted of some of the liquid waste effluents from the phosphate industries in Southeastern Idaho. Initial results indicated that these effluents contained considerable quantities of radium-226, as did the receiving streams and shallow wells in the vicinity of the operations. A sampling program has been carried out by the Radiological Health Section with the Southwestern Radiological Health Laboratory in Las Vegas doing the radium analyses. This program is continuing at the present time.

When inspections are made of licensees in Idaho by members of the Atomic Energy Commission's regional office in Denver, every effort is made to have staff members of the Radiological Health Section accompany the inspectors on their visit. This procedure has been followed whenever possible since 1960. These inspections covered not only users within the healing arts, but also industrial applications of radioactive materials.

Environmental surveillance. In 1963 an Environmental Surveillance Network was established throughout the State. The network now consists of nine stations. Five of these stations submit daily air particulate samples, six collect precipitation samples, and six routinely submit milk samples for radioanalysis. Currently, participation is also maintained in the Public Health Service National Air Surveillance Network and the offsite air surveillance network conducted by the Public Health Service out of Las Vegas, Nev. Also, special milk samples are collected from 11 selected dairies in the State and sent to the Public Health Service Laboratory in Las Vegas whenever this special network is alerted. Additional surveillance is being conducted on surface and ground waters in various sections of the State to provide basic background information. Location of three Atomic Energy Commission nuclear energy facilities either in Idaho or adjacent States, and the advent of nuclear power facilities, point toward an active future for this program.

A radiological laboratory was included in the new State Health Laboratory built in 1965. At the present time the Laboratories Division is furnishing a chemist to handle the radiological analyses. The wet chemistry facilities of the radiological laboratory are quite sufficient. A vacuum hood and electric muffle furnace are also provided. A separate room is provided for the counting equipment. This equipment consists of a low background alpha-beta particle counting system with automatic sample changer and print out, an internal gas proportional counter, and a single-channel gamma analyzer with a 3" x 3" NaI crystal scintillation detector with an X-Y plotter.

Radiation emergencies. A Department of Health radiological emergency team was formed in 1963. The function of the team was not only to assist in protecting the public in any radiological emergency, but also to handle other nonradiation type emergencies which involve public health and safety. The emergency team was composed of four staff members, each one having two backup replacements. An attempt was made to have one person with radiological health training on the team, along with a physician and a chemist and a public health engineer, all of whom had knowledge of radiation monitoring. An emergency kit was prepared with all the apparatus and radiation surveying equipment which could be useful in emergency situations. Due to departures of personnel from the Department and educational leaves, the emergency team is presently being reorganized.

The Federal Radiological Assistance Team Network notifies the Department of Health when any accidents occur involving radioactive materials. In the same way they would be notified if the Department of Health is the first to gain knowledge of such an accident. State Law Enforcement personnel and County Sheriffs are also instructed to notify the nearest Radiological Assistance Team, and also the Department of Health.

Organization, Staffing, and Responsibility

The State government and Idaho Department of Health organization for the purpose of regulation of sources of ionizing radiation is illustrated in Figure 1.[1]

The Idaho Nuclear Energy Commission is appointed by the governor and consists of five members. The Commission is to be the focal point in the State government for coordination of the promotion and development of nuclear energy for peaceful and productive purposes in the State. It is to provide evaluation, review and coordination of the activities of the State departments relating to nuclear energy.

The Radiological Health Advisory Committee is appointed by the Board of Health and has five members, all of whom are knowledgeable and active in the use of ionizing radiation and are well qualified in aspects of radiation protection. Four of the committee members are physicians licensed in Idaho—two of the physicians being radiologists—and the fifth member is a certified health physicist. The committee is to be advisory to the Board in connection with its responsibilities as the State radiation control agency, and, also more directly, to be advisory to the Radiological Health Section in matters concerning licensing of users of radioactive materials and the registration of radiation producing machines in the medical profession.

By legislative mandate, the Idaho State Board of Health was delegated to have the sole responsibility for the control and regulation of radiation in the State. However, close liaison will be maintained with other State Departments such as Law Enforcement, Highways, Labor, Mines, etc., so that any

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

possible radiation hazards can be brought to the attention of the Department of Health as quickly as possible.

The Radiological Health Section is located in the Engineernig and Sanitation Division of the Idaho Department of Health. Radiological health activities involve other sectional and divisional disciplines of the Department of Health, thereby requiring close cooperation with these offices. One of these is the Hospital Facilities Division, which has the responsibility of licensing hospitals and nursing homes in the State. The hospital licensing requirements on X-ray facilities are met when the Radiological Health Section issues a satisfactory report on these facilities. The Radiological Health Section will continue to register and will begin licensing appropriate sources of radiation in these facilities. Inspectors of the Hospital Facilities staff are also quite helpful in bringing to the attention of the Radiological Health Section questionable uses of sources of radiation. The Dental Health Section of the Child Health Division is helpful as a liaison between the dental profession and the radiological health programs. The Preventive Medicine Division assists in a similar way with the medical profession. The sections of Water Pollution Control, Air Pollution Control, Industrial Hygiene, and Milk and Food—all within the Engineering and Sanitation Division—and the Laboratories Division assist greatly in environmental radiological surveillance activities through the collection and analysis of environmental samples.

Legal services are provided by the State Attorney General's office. Data processing is available from the Bureau of Vital Statistics and Data Processing Section of the Department of Health.

The present functional organization which deals with radiological health consists of the part- and full-time services of five people. They are: (1) One half-time public health engineer who is the Radiological Control Officer and Chief of the Radiological Health Section; (2) one full-time public health engineer; (3) one full-time radiological health specialist; (4) a part-time radiochemist, and (5) a part-time secretary. Budget requests have been made for a full-time radiochemist and a full-time secretary.

Other personnel of the department staff are involved on a part-time basis, with administrative duties, additional clerical duties, and assignment to the Radiological Emergency Team.

REGULATORY PROCEDURES AND POLICY

Licensing and Registration

The Idaho radiation control program extends to all sources of radiation. The regulations require licensing of all radioactive materials and registration of all radiation-producing machines except such sources as may be specifically exempted from these requirements in accordance with the regulations.

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission as provided in Part B of the Rules and Regulations for the Control of Radiation in the State of Idaho.

General licenses are effective by regulation without the filing of applications with the Department or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date. Prelicensing inspections will be conducted when appropriate.

The Department, when it determines such to be appropriate, will request the advice of the Radiological Health Advisory Committee, or appropriate members thereof, with respect to any matter pertaining to a license application, or to criteria for reviewing applications.

All applications for nonroutine medical uses of radioactive materials will be referred for advice and consultation to those members of the Radiological Health Advisory Committee who have appropriate training and experience in nonroutine human uses of radioactive materials, or to the Atomic Energy Commission's Advisory Committee on the medical use of isotopes. Appropriate research protocols will be required as part of an application. The Department will maintain knowledge of current developments, techniques and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the U.S. Atomic Energy Commission and other agreement states.

The registration program will be a continuation of the current activity except that (a) all radiation machines will be subject to the applicable provisions of the regulations, and (b) radium and accelerator-produced radionuclides which were formerly registered must now be licensed.

Inspection

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once each year. The following frequency is anticipated:

Use of classification	*Usual inspection frequency*
Industrial radiography:	
Fixed installations	Once each 6 months.
Mobile operations	Do.
All commercial waste disposal operations.	Do.
Broad licenses—industrial, medical, or academic.	Once each 6–12 months.
Other specific licenses — industrial, medical, or academic.	Once each 12 months.

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities, operators, and equipment; a review of use procedures, radiation safety practices and user qualifications; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials—all as appropriate to the scope and conditions of the license and applicable regulations. In addition, independent measurements will be made as appropriate.

At the start and conclusion of an inspection, personal contact will be made at management-level whenever possible. Following the inspections, results will be discussed with the licensee management.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup will be available from the Department.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by the Radiological Control Officer.

Compliance and Enforcement

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

When there are items of noncompliance, the licensee will be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

Upon request by the licensee, the terms and conditions of a license may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances where real or potential hazards exist, or cases of repeated noncompliance or willful violation will the full legal procedures normally be employed.

Where the Department finds that the public health, safety or welfare imperatively requires emergency action, and incorporates such findings in its order, it may summarily suspend the license pending proceedings for revocation which shall be promptly instituted and determined upon request of any interested person.

In the event of an emergency relating to any source of ionizing radiation which endangers the public peace, health, or safety, the Department shall have the authority to issue such orders for the protection of the public health and safety as may be appropriate, including orders to lay an embargo upon or impound radioactive materials and other sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Act or any rules or regulations promulgated thereunder.

Effective Date of License Transfer

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under sections 39–3001 through 39–3019, Idaho Code (as passed by the Legislature in 1967), which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

Rules of Administration, Practice, and Procedure

The Idaho State Board of Health, pursuant to the authority granted in Title 39, Chapter 1, Idaho Code, and in compliance

with Title 67, Chapter 52, Idaho Code, adopted rules of practice and procedure governing administrative procedures with reference to promulgation of rules and regulations, conducting of hearings, appeals, proceedings, decisions, and orders, etc., by resolution of February 3, 1966. These rules provide for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Adoption or amendment of rules in emergency situations without observance of the normal requirements of notice and hearing, upon a finding by the Department that immediate action is necessary for the preservation of the public health, safety, or general welfare.

3. Petition to the Department requesting the promulgation, amendment, or repeal of any rule.

4. Declaratory judgment procedure available on petition by proper party to determine validity of statute, rule, or final decision of Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined.

6. Judicial review in the district court by any person aggrieved by a final decision of the Department, and appeal to the State supreme court for review of a final judgment of the district court.

Compatibility and Reciprocity

The Idaho State Board of Health has adopted rules and regulations for the control of radiation which are consistent with those of the U.S. Atomic Energy Commission and those of the other agreement States. In promulgating rules and regulations, the Board has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other State and Federal licenses.

Routine staff meetings will be conducted involving all members of the division who are involved with the radiological health program to determine and maintain compatible programs with the U.S. Atomic Energy Commission and other agreement States. Periodic internal evaluation exercises will be conducted concerning all phases of the program. Written reports, inspection reports, records, and statistics will be compatible with the current Atomic Energy Commission program.

RADIATION SURVEY AND LABORATORY RESOURCES

Monitoring and Survey Instruments:

Rate Meters:

Alpha Detection:
- 1—Eberline PAC–ISA Portable Alpha Scintillation Counter.
- 1—Juno Model 3 (Alpha Beta and Gamma).

Beta-Gamma Detection:
- 1—Tracer Lab Cutie Pie Model SE–IF.
- 2—Nucor Model CS 40A.
- 2—THY..C II Model 489.
- 1—THYAC III Model 490.
- 1—Radector Victoreen Model AGB–50B–SR.

Integrating Meters:

Condenser R Meters:
- 2—Model 570 with medium energy chambers from 0.25R to 25R.

Dosimeters:
- 1—CDV 756 Charger with 4 Model 610 and 4 Model 611 Disimeters.

Air Sampling Equipment:
- 5—Gelman Air Samplers located at various locations throughout the State.
- 1—Portable Air Pump, Gelman.

USPHS and AEC have networks established throughout the State.

X-Ray Survey Kit:

Radiation Emergency Kit:

The Radiological Health Section of the Division of Engineering and Sanitation has its own laboratory for preparation and counting of environmental samples.

Laboratory Equipment includes:
- 1—Beckman Wide Beta Counter.
  - a. Beckman Lister Printer.
- 1—PHA–18 Single Channel Analyzer.
  - a. 3 x 3 NaI Crystal.
  - b. Photo-Mul 15050.
  - c. Lead Detector Shield.
  - d. X-Y Recorder N.M.C.
- 2—Internal Proportional Counter. PC–3B and Scaler. NMC Model PCC 10A.

Accessory equipment for the instrumentation includes gas regulators, transformers, ion exchange resins, and calibration sources, etc.

The department has capabilities of contracting additional services from the AEC National Testing Site at Idaho Falls, Idaho, and the Southwestern Radiological Health Laboratory at Las Vegas, Nev.

STAFF

MELVIN D. ALSAGER

RADIOLOGICAL CONTROL OFFICER

Education and Training

B.S. Chemical Engineering, University of Idaho, 1958.
M.E. Civil Engineering (Radiological Health), Oklahoma University, 1964.
Basic Radiological Health USPHS (2 weeks).
Medical X-ray Protection, USPHS (2 weeks).
Occupational Radiological Protection, USPHS.
AEC Orientation Course in Practice and Procedures of Licensing and Regulations, Bethesda.

Experience and Related Activity

Idaho Department of Health, Engineering & Sanitation Division.
Public Health Engineer, 1958–62.
Radiological Health Officer, 1962–present.
Responsibility for the development and administration of the Radiological Health program for the State of Idaho.
Ex-Officio member of the Idaho Nuclear Energy Commission.
Registered Professional Engineer in Idaho, 1963.

JERRY L. YODER

PUBLIC HEALTH ENGINEER

Education and Training

Pre-Engineering, Morningside College, Sioux City, 1959.
B.S. Civil Engineering, Iowa State University, 1962.
M.E. Civil Engineering (Radiological Health), Oklahoma University, 1965.
Basic Radiological Health, USPHS.
Occupational Radiation Protection, USPHS.
Medical X-ray Protection, USPHS.
Emergency Radiological Procedures, USPHS.
AEC Orientation Course in Practices and Procedures of Licensing and Regulations, Bethesda.
Health Physics Course, AEC, Oak Ridge, 1968.

Experience and Related Activity

USPHS, Assistant Sanitary Engineer, 1962–64, State Assignee Working in State Radiological Health.
Idaho Department of Health, Engineering & Sanitation Division, Public Health Engineer, 1964 to present. Responsibility for carrying out functions of State Radiological Health Program, including registration and inspection of sources of radiation and the implementation of a radiological environmental surveillance program.
Registered Professional Engineer in Idaho, 1968.
Member of Conference on Radiological Health.
Member of the Health Physics Society.

C. NEWELL MAUGHAN

RADIOLOGICAL HEALTH SPECIALIST II

Education and Training

B.S. Public Health, Chemistry Minor, Utah State University, 1961.
M.S. Health Physics (Sponsored by USPHS Traineeship), North Dakota State University, 1967.
USPHS:
- Radium Hazards and Control, N.D.S.U., North Dakota, 1967.
- Medical X-Ray Protection, Southwestern Radiological Health Laboratory, 1968.

Civil Defense:
- Radiological Monitoring Training Course, California, 1962.
- Civil Defense for Food & Drug Officials, F.D.A., Idaho, 1963.

Experience and Related Activity

City-County Health Department, Boise, Idaho, 1961–64, Sanitarian for Air Monitoring and Civil Defense Activities.
Nevada State Health Department, 1964–66, Environmental Health, including Radiological Health Program in five counties surrounding the Nevada Test Site. Was involved with Environmental Surveillance with the USPHS around the site.
Idaho State Radiological Health Program, 1967 to present, Radiological Health Specialist.

ROBERT D. FUNDERBURG

CHEMIST I

Education and Training

B.S. Idaho State University, 1966, Chemistry (Radiological).
USPHS Basic Radiological Health, 1966, Southwestern Radiological Health Laboratory.

Experience and Related Activity

Kerr-McGee, Chemical Analyst (Research Project) 1966.
Idaho State Department of Health, 1966 to present, Radiological Health Program.

MINIMUM QUALIFICATIONS OF PERSONNEL TO BE EMPLOYED IN THE REGULATORY CONTROL OF RADIATION

The following classifications have been submitted by the Board of Health for the approval of the Idaho Personnel Commission. The stated qualifications reflect minimum requirements for personnel in existing and planned radiological health program activities.

Radiological Health Specialist I.
Radiological Health Specialist II.
Radiological Health Specialist III.
Radiological Health Specialist IV.

Pay Group 53 610–742.

RADIOLOGICAL HEALTH SPECIALIST I

Definition:

Under close supervision, to perform duties related to the detection, measurement, and evaluation of radiation exposure as part of the radiological health program, and to perform related work as required.

Duties:

To make routine field studies and investigations which are conducted as part of the radiological health programs; to assist in making radiation safety surveys of radiation producing machines and of installations using radioactive materials; to perform radiation monitoring in the field by using portable

instruments such as Geiger-Muller counters, ionization chambers, and scintillation-type survey meters, and in the laboratory by operating radiation counting equipment; to assist in the care and maintenance of air sampling and radiation monitoring equipment; to assist in the preparation of reports and tabulation of data.

Minimum Qualifications:

A. Education and Experience.

Bachelor Degree involving major study in engineering, physics, chemistry or a related physical science. Experience none.

B. Knowledge, Skill, and Ability.

General knowledge of the principles of physics, chemistry, biology, and mathematics. Skill in the operation of mechanical and electronic equipment and the ability to learn and apply the principles of radiation protection, and to use basic radiation detection equipment.

Pay Group 62 706–858.

RADIOLOGICAL HEALTH SPECIALIST II

Definition:

Under general supervision, to perform advanced technical radiological work dealing with the investigation, surveillance, and control of sources of radiation, and to perform related duties as required.

Duties:

In some instances to supervise the activities of subordinate Radiological Health Specialists in conducting surveys and investigations as required by the program; to inspect medical fluoroscopic and therapeutic equipment; to inspect medical, dental, and industrial radiographic equipment, and any other radiation machines; to observe the procedures used by the operators of radiation producing equipment, dark room technicians, processors, and others, and recommend improvement; to determine the adequacy of radiation shielding and interview personnel regarding their compliance with safe and proper practices in the use of ionizing radiation; to conduct inspection of premises, records, and operations of licensed users of radioactive materials and determine the status of their compliance with terms of their licenses; to provide detailed information on the laws and regulations regarding standards for protection against radiation; to instruct radioisotope technicians and licensees on safe methods of storage, handling, and disposal of sealed and unsealed sources of ionizing radiation; and to maintain records on all users of radiological equipment and prepare reports on all investigations.

Minimum Qualifications:

A. Education and Experience.

Bachelor degree involving major study in engineering, physics, chemistry, or a related physical science and 2 years full-time experience in radiological health; graduate work in radiological health, plus experience in related public health work may be substituted for the required radiological health experience.

B. Knowledge, Skill, and Ability.

Extensive knowledge of modern developments in techniques of clinical radiography including the less common procedures, the effects of voltage, current and filtration on radiographic results, the effects of film processing variables. Considerable knowledge of industrial and medical uses of radioactive isotopes. Ability to interpret radiological rules and regulations, establish and maintain cooperative relationships with individuals and groups, analyze situations accurately and take effective action, speak and write effectively and be willing to travel extensively within the State.

Pay Group 71 817–992.

RADIOLOGICAL HEALTH SPECIALIST III

Definition:

Under direction, to be responsible for performing professional work in health physics, and to assist in the planning, organizing, and directing of a statewide radiological health program, and to perform related duties as required.

Duties:

To perform responsible professional and supervisory work in radiological health; to assist in developing State requirements for the control and regulation of sources of radiation; to conduct comprehensive environmental surveys and instruct others in techniques and instrumentation used in collecting environmental samples and preparing them for analysis; to analyze radiological health data taken from such samples and identify types of isotopes detected; to investigate radiation hazards, calculate activity concentrations and make dosimetric calculations; to determine whether radiation levels are within permissible levels; to plan and organize the procedures and operations required for handling emergencies involving possible exposure of persons to radiation; to operate, calibrate, and maintain radiation detection instruments; to review, evaluate, and make suggestions for proposed layouts, equipment, and facilities for the control of radiation hazards; to assist in planning and carrying out in-service radiological health training of state and local health department staffs; to work with personnel of universities, Federal agencies, State agencies, and others in organizing and coordinating technical training; to develop public information for radiological health activities; to prepare talks and reports on radiological health for interested professional and lay groups; and to prepare technical reports covering radiological health activities.

Minimum Qualifications:

A. Education and Experience.

Bachelor degree involving major study in engineering, physics, chemistry, or a related physical science, plus satisfactory completion of at least 1 year of graduate work with emphasis in radiological health or equivalent training in radiological health, and at least 2 years of responsible experience in radiological health, including advanced technical assignments or a satisfactory equivalent combination of experience and training.

B. Knowledge, Skill, and Ability.

Thorough knowledge of the theory and practice of health physics and radiation protection; considerable knowledge of biological effects of ionizing radiation, and atomic and nuclear physics; considerable knowledge of radioactive waste disposal techniques and procedures; working knowledge of radiological ecology and radiochemistry; ability to plan, conduct, and correlate technical investigations of radiological health hazards; ability to prepare technical reports and correspondence; ability to deal with public and other officials and promote public relations; judgment and skill in radiological health techniques and practices, and a high degree of initiative and resourcefulness in solving difficult radiological health problems.

Pay Group 72 901–1094.

RADIOLOGICAL HEALTH SPECIALIST IV

Definition:

Under administrative direction, with considerable latitude for independent judgment, performs professional work in health physics and assists in planning, organizing and directing a statewide radiological health program to protect the public health and safety against radiation hazards in the development and utilization of radiation sources for peaceful purposes; does related work as required.

Duties:

To develop and assume administrative responsibility for assigned programs in the field of radiological health; to assist in the organization and direction of the technological functions of the Radiological Health Section; to survey, identify and evaluate health hazards associated with the manufacture, use, handling, transportation, storage, or disposal of radiation sources, such as radioactive materials or X-ray machines; to provide technological services to other State agencies and to local health departments in matters pertaining to radiological health; to act for the Chief of the Radiological Health Section in his absence; to assist in developing State requirements for radiation protection; to conduct comprehensive environmental surveys and instruct others in techniques and instrumentation used in collecting environmental samples and preparing them for analysis; to analyze radiological health data taken from such samples and identify types of isotopes detected, to investigate radiation hazards, calculate activity concentrations, and make dosimetric calculations to determine whether radiation levels are within permissible levels, and that health physics safety regulations are followed; to write reports covering analysis and recommendations; to plan and organize the procedures and operations required for handling emergencies involving possible exposure of persons to radiation; to operate, calibrate, and maintain radiation detection instruments; to review, evaluate, and make suggestions for proposed layouts, equipment, and facilities for the control of radiation hazards; to assist in planning and carrying out in-service radiological health training of State and local health department staffs; to work with personnel of universities, Federal agencies, State agencies, and others in organizing and coordinating technical training; to develop public information for radiological health activities; and to prepare talks and reports on radiological health for interested professional and lay groups.

Minimum Qualifications:

A. Education and Experience.

Masters degree in science, engineering, or public health with emphasis in radiological health and 4 years of responsible supervisory experience in radiological health. Provided that each year, beyond 1 year, of graduate study may be substituted for 1 year of full-time employment in radiological health up to a maximum of two (2) years.

B. Knowledge, Skill, and Ability.

Thorough knowledge of the theory and practice of health physics, and radiation protection; considerable knowledge of biological effects of ionizing radiation, and atomic and nuclear physics; considerable knowledge of radioactive waste disposal techniques and procedures; working knowledge of radiological ecology and radiochemistry; ability to plan, conduct, and correlate technical investigations of radiological health hazards; ability to prepare technical reports and correspondence; ability to deal with public and other officials and promote public relations; judgment and skill in radiological health techniques and practices, and a high degree of initiative and resourcefulness in solving difficult radiological health problems.

RADIOLOGICAL HEALTH ADVISORY COMMITTEE

George R. Baker, M.D., Boise, Idaho.
Claude W. Barrick, M.D., Radiologist, St. Alphonsus' Hospital, Boise, Idaho.

Mr. John W. McCaslin, Manager, Health and Safety Branch, Idaho Nuclear Corp., Idaho Falls, Idaho.

C. R. McWilliams, M.D., Radiologist, Magic Valley Memorial Hospital, Twin Falls, Idaho.

George L. Voelz, M.D., Atomic Energy Commission, Idaho Falls, Idaho.

[F.R. Doc. 68-7025; Filed, June 12, 1968; 8:50 a.m.]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Issuance of Order Extending Latest Completion Date of Provisional Construction Permit

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued an order extending to June 30, 1969, the latest completion date specified in Provisional Construction Permit No. CPPR-15 which authorizes Jersey Central Power & Light Co. to construct a boiling water nuclear reactor on the applicant's site in Lacey Township, Ocean County, N.J.

Copies of the order and the application for extension filed by Jersey Central Power & Light Co. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 21st day of June 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-7591; Filed, June 26, 1968; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18124; FCC 68M-974]

CLARKSTON BROADCASTERS

Order Continuing Prehearing Conference

In re application of John R. Lewis and W. E. Lawrence, doing business as Clarkston Broadcasters, Clarkston, Wash., Docket No. 18124, File No. BP-16949, for construction permit.

The Hearing Examiner having under consideration the letter request of counsel for Clarkston Broadcasters dated June 19, 1968, requesting that the date for exchange of exhibits be continued, and likewise requesting that the date for the further prehearing conference be changed;

It appearing, that the other parties to this proceeding have indicated they have no objection to a grant of said request, and that good cause has beeen shown for a grant thereof;

It is ordered, That the aforesaid request is granted; that the presently scheduled date of June 21, 1968, for the exchange of exhibits is hereby continued to June 28, 1968; and that the further prehearing conference presently scheduled for July 2, 1968, is hereby continued to July 11, 1968, at 9 a.m.

Issued: June 20, 1968.

Released: June 21, 1968.

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

[F.R. Doc. 68-7641; Filed, June 26, 1968; 8:49 a.m.]

[Docket Nos. 18183, 18184; FCC 68M-978]

H-B-K ENTERPRISES AND BROADCASTING, INC.

Order Continuing Hearing

In re applications of: John P. Hilmes, Geoffrey B. Knutson and Tom E. Beal, doing business as H-B-K Enterprises, Grandview, Mo., Docket No. 18183, File No. BP-13823; Broadcasting, Inc., Kansas City, Mo., Docket No. 18184, File No. BP-14486; for construction permits.

The Hearing Examiner having under consideration a telephoned request by counsel for H-B-K Enterprises, one of the applicants in the above-entitled proceeding, for continuance of the prehearing conference scheduled for July 3, in which he advised that all counsel have concurred;

It is ordered, That the prehearing conference in the above-entitled proceeding is hereby rescheduled to convene at 9 a.m., Wednesday, July 17, 1968, at the Commission's offices, Washington, D.C., and that the hearing itself is continued to a date to be determined at the prehearing conference.

Issued: June 21, 1968.

Released: June 24, 1968.

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

[F.R. Doc. 68-7640; Filed, June 26, 1968; 8:49 a.m.]

[Mexican Change List 246]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

MAY 16, 1968.

Notifications under the provisions of Part III, section 2, of the North American Regional Broadcast Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying the appendix containing assignments of Mexican broadcast stations (Mimeograph No. 4721-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		820 kilocycles				
XESB (in operation with 750 W, ND, D, since 7-20-64).	Santa Barbara, Chih..	750	ND	D	II	*7-20-64.*
		880 kilocycles				
XETZ (in operation on 800 kc/s since 5-8-68) (FCC NOTE: It appears that 800 kc/s specified in the above annotation is in error and should be 880 kc/s).	Tequila, Jal	1000	ND	D	II	*5-8-68.*
		960 kilocycles				
XEUQ (in operation since 4-19-68).	Zihuatanejo, Gro	1000-D/250-N	ND	U	III-D/IV-N	*4-19-68.*
		990 kilocycles				
XEOL (previously notified on 1360 kc/s).	Teziutlan, Pue	500-D/100-N	ND	U	II	5-16-68 (Probable).
		1110 kilocycles				
XECAM (Assignment deleted. See 1280 kc/s).	Campeche, Camp	500	ND	D	II	
		1170 kilocycles				
XEUVA (previously notified with XEDC. This modifies the expected date of commencement of operation).	Aguascalientes, Ags	1000	ND	D	II	5-16-69 (Probable).
		1180 kilocycles				
XEFR (correction of an omission: In operation on 1180 kc/s since 9-28-63).	Mexico, D.F	1000	ND	D	II	*9-28-63.*
		1280 kilocycles				
XECAM (correction of an omission: In operation on 1280 kc/s since 9-10-65).	Campeche, Camp	500-D/200-N	ND	U	IV	*9-10-65.*
		1510 kilocycles				
XETAP (this modifies the expected date of commencement of operation).	Tapachula, Chis	1000	IND	D	III	5-16-69 (Probable).
		1330 kilocycles				
XEFJ (assignment deleted).	Teziutlan, Pue	1000-D/100-N	ND	U	IV	
		1330 kilocycles				
XEIG (assignment deleted. See 1430 kc/s).	Iguala, Gro	250	ND	D	IV	

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
		1340 kilocycles				
XERPV (assignment of call letters).	Cd. Victoria, Tams.	1000-D/250-N	ND	U	IV	2-16-69 (Probable).
		1340 kilocycles				
XEQB (new)	Tulancingo, Hgo	250	ND	U	IV	4-16-69 (Probable)
		1360 kilocycles				
XEFBF (new)	Martinez de la Torre, Ver.	500-D/100-N	ND	D	III-D/IV-N	5-16-69 (Probable).
		1360 kilocycles				
XEOL (assignment deleted. See 990 kc/s).	Teziutlan, Pue	500-D/150-N	ND	U	III-D/IV-N	
		1360 kilocycles				
XEUL (new)	Progreso, Yuc	250-L/125-N	ND	U	IV	5-16-69 (Probable).
		1410 kilocycles				
XERCM (previously notified with XETP. Change in class of daytme operation, previously IV).	Cd. Victoria, Tams.	1000-N/150-N	ND	U	III-D/IV-N	5-16-69 (Probable).
		1430 kilocycles				
XEIG (correction of an omission: In operation on 1430 kc/s with 1,000-D/100-N, since 2-4-65).	Iguala, Gro	1000-D/100-N	ND	U	III-D/IV-N	*2-4-65.*
		1460 kilocycles				
XEUJ (change in call letters, previously XEOL. This modifies the expected date of commencement of operation).	Cd. del Carmen, Camp.	250	ND	U	IV	*4-16-69* (Probable).
		1530 kilocycles				
XEFR (assignment deleted—See 1180 kc/s).	Mexico, D.F	5000	DA-N	U	II	
		1560 kilocycles				
XEDC (assignment deleted).	Aguascalientes, Ags.	1000-D/250-N	ND	U	II	
		1580 kilocycles				
XEGOL (PO: Progreso, Yuc. Change in call letters, previously XEUL).	Campeche, Camp	250-D/150-N	ND	U	II	5-16-69 (Probable).
		1590 kilocycles				
XEPT (in operation since 2-22-68).	Misantla, Ver	1000-D/100-N	ND	U	IV	*2-22-68.*
		1600 kilocycles				
XEOU (assignment deleted).	Matamoros de la Laguna, Coah.	1000-D/250-N	ND	U	IV	
		1600 kilocycles				
(New) (assignment deleted).	Romita, Gto	250	ND	D	IV	

FCC Note: Mexican Change List No. 246 has not been received through official channels.

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

[F.R. Doc. 68-7642; Filed, June 26, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with NBS policy of giving notices regarding changes in phases of seconds pulses, notice is hereby given that there will be an adjustment on August 1, 1968, in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. At 0000 GMT the clock at the station will be retarded 200 ms. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no adjustment in the phases of time pulses emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii. The time pulses on these stations will continue to occur at intervals which are longer than 1 second by 300 parts in 10^{10} due to the offset maintained in the carrier frequencies of stations which follow the universal time (UTC) system, also coordinated by the BIH.

Phase adjustments, when needed, insure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale, a nonuniform scale associated with the rotation of the earth. NBS obtains daily UT2 information from forecasts of extrapolated UT2 clock readings provided weekly by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

JUNE 19, 1968.

[F.R. Doc. 68-7649; Filed, June 26, 1968; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4672]

CAMEO-PARKWAY RECORDS, INC.

Order Suspending Trading

JUNE 21, 1968.

The common stock, 10 cents par value, of Cameo-Parkway Records, Inc., Philadelphia, Pa., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Cameo-Parkway Records, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 22, 1968, through July 1, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7605; Filed, June 26, 1968; 8:46 a.m.]

CORMAC CHEMICAL CORP.

Order Suspending Trading

JUNE 21, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Cormac Chemical Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 22, 1968 through June 29, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7606; Filed, June 26, 1968; 8:46 a.m.]

[70-4643]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issue and Sale of Notes to Banks

JUNE 21, 1968.

Notice is hereby given that Michigan Wisconsin Pipe Line Co. ("Michigan

Wisconsin"), 1 Woodward Avenue, Detroit, Mich. 48226, a nonutility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell to a group of banks, from time to time commencing in July 1968 and prior to December 31, 1968, up to an aggregate of $70 million face amount of promissory notes to be outstanding at any one time. The notes will be dated as of the date of issuance and will mature serially in equal annual installments on December 31 of each of the years from 1969 through 1975. They will be issued in varying amounts and at various dates as funds are required by the company. Each note will bear interest at a rate per annum equal to the best rate charged by First National City Bank, New York, New York, on short-term loans to substantial and responsible commercial borrowers in effect on the date of issuance plus one-fourth of 1 percent, which interest rate will be adjusted to a rate per annum equal to one-fourth of 1 percent greater than the best rate in effect on the first day of each succeeding January, April, July, and October. Interest will be computed on a bond interest basis, payable quarterly on the last day of March, June, September, and December of each year. There is no commitment fee, and the notes may be prepaid at any time without penalty except when prepayment is made from borrowings from banks not included in the group.

The proposed notes will be issued to the banks and in the maximum respective amounts shown below:

First National City Bank, New York, N.Y.	$25,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	20,000,000
National Bank of Detroit, Mich.	10,000,000
Detroit Bank & Trust, Detroit, Mich.	5,000,000
Manufacturers National Bank of Detroit, Mich.	5,000,000
First Wisconsin National Bank of Milwaukee, Wis.	5,000,000
Total	$70,000,000

Michigan Wisconsin proposes to use the proceeds to retire $68 million of presently outstanding notes and to finance, in part, its 1968 expansion program estimated at $96 million.

The application states that the expenses to be incurred in connection with the proposed issuance of notes are estimated at $3,770, including a legal fee of $1,500. It is further stated that Michigan Wisconsin will request authorization of the proposed transactions from the Michigan Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 12, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-7607; Filed, June 26, 1968; 8:46 a.m.]

[File No. 24D-2789]

WEST-CENTRAL AIRLINES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

JUNE 21, 1968.

West-Central Airlines, Inc. (issuer), 3801 Harney Street, Omaha, Nebr., a Nebraska corporation with offices stated to be located at 3801 Harney Street, Omaha, Nebr., filed with this Commission on May 13, 1968, a notification and offering circular relating to a proposed offering of 65,650 shares of its $2 par value common stock at $4.50 per share, for an aggregate of $295,425, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

The Commission having reasonable cause to believe that:

(A) The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The failure to disclose that unless a substantial portion of the offering is subscribed, additional funds will not be available to improve the condition and operations of the issuer but will only be sufficient to liquidate indebtedness of the issuer which will result in an ultimate benefit to officers and directors of the issuer who had guaranteed the indebtedness and conversely in an ultimate detriment to the investors;

(2) The failure to disclose that the issuer is insolvent in the bankruptcy and equity sense inasmuch as the aggregate of its property is not at fair valuation sufficient in amount to pay its debts and the issuer is unable to pay its obligations as they mature;

(3) In view of the representations concerning the issuer's fleet of aircraft, the failure to disclose that a significant portion of the said aircraft were not in a functionally operable condition to permit the issuer to utilize them in the conduct of its business;

(4) In connection with the representation that the issuer is authorized by the CAB to carry U.S. mail, the failure to disclose that the U.S. Post Office Department has in effect regulations which preclude the issuer under its present circumstances from carrying U.S. mail;

(5) In connection with the representations concerning the manner in which certain of the issuer's aircraft are equipped, the failure to disclose that various component parts of said aircraft are presently, and have been for sometime in the past, removed from the aircraft rendering the same inoperative;

(6) In connection with the representations that certain aircraft "cruise approximately 185 miles per hour," and have certain passenger capacities, the failure to disclose that said aircraft, due to functional inabilities, have not flown nor carried passengers for several months;

(7) The failure to disclose that the issuer presently has matters pending before governmental agencies, and that decisions of such agencies in these matters may materially adversely affect its authorization to carry on its business;

(8) The failure to disclose adequately and accurately:

(a) The net tangible asset value per share of the shares outstanding and the projected net tangible asset value per share of all shares upon the successful completion of the proposed offering;

(b) The approximate book value of the issuer's shares upon successful completion of the proposed offering;

(c) The dilution that will occur in the equity represented by shares which might be purchased by the public under this notification and the correlative appreciation in the equity represented by the shares held by officers, directors, and other present shareholders;

(d) The manner in which the offering price was determined;

(e) The risk of loss incurred by investors if the offering is not successful or is only partially successful;

(f) The risk of loss incurred by investors, even if the offering should be sold;

(g) The financial condition of the issuer and the results of its operations. Specifically, assets and net worth are

overstated, losses and deficits are understated.

(B) The terms and conditions of Regulation A have not been complied with in that:

(1) The name and address of each underwriter and the amount of participation by each such underwriter is not disclosed as required by Item 5 of Schedule I.

(2) The financial statements included in the offering circular fail to conform to the requirements of Item 11 of Schedule I.

(C) The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, for the reasons described above.

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7608; Filed, June 26, 1968; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 674]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the county of Dickinson, in the State of Iowa;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from tornado occurring on June 13, 1968.

OFFICE

Small Administration Regional Office, 210 Walnut Street, Des Moines, Iowa 50309.

2. A temporary office will be established in Arnolds Park, Iowa, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1968.

Dated: June 20, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68-7609; Filed, June 26, 1968; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1193]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 21, 1968.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, 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.

No. MC 2368 (Sub-No. 17), filed June 11, 1968. Applicant: BRALLEY-WILLETT TANK LINES, INC., 200 Stockton Street, Post Office Box 495, Richmond, Va. 23204. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Organic protective coatings and commodities* used in the manufacture thereof, in bulk, in tank vehicles, from points in Rockingham County, Va., to points in Delaware, Maryland, North Carolina, Pennsylvania, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2473 (Sub-No. 14), filed June 4, 1968. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, N.C. 27292. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Textiles*

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

and textile products (except cotton products), from Winston-Salem and Davie, N.C., to Washington, D.C., Baltimore, Md., Wilmington, Del., points in South Carolina and New Jersey, points in New York within 20 miles of New York, N.Y., including New York, N.Y., and points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 via Easton, Allentown, Hamburg, and Strausstown, Pa., to Harrisburg, Pa., and thence along the east bank of the Susquehanna River to the Maryland-Pennsylvania State line. Restriction: The authority sought herein may not be joined with or tacked to any of carrier's presently held operating rights for the performance of through operations. NOTE: Applicant states it holds authority in No. MC 2473 permitting the transportation of cotton products from Winston-Salem and Davie, N.C., to the destination area involved, and the sole purpose of this application is to broaden the commodity scope in keeping with changes in the products of the shippers served. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 11207 (Sub-No. 275), filed June 11, 1968. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp egg cartons, woodpulp plates, dishes, and trays*, from Natchez, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jackson, Miss.

No. MC 13134 (Sub-No. 20), filed June 10, 1968. Applicant: GRANT TRUCKING, INC., State Route 93 North, Oak Hill, Ohio. Applicant's representative: James M. Burtch, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additives*, from Wadsworth, Ohio, to Massachusetts, Connecticut, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 13900 (Sub-No. 15), filed June 10, 1968. Applicant: MIDWEST HAULERS, INC., 228 Superior Street, Toledo, Ohio 43604. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, which at the same time are moving on bills of lading of freight forwarders, serving Edison, N.J., as an off-route point in connection with its presently authorized regular-route operations between Newark, N.J., and Philadelphia, Pa., over U.S. Highway 1. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 15371 (Sub-No. 5), filed June 13, 1968. Applicant: CITY TRANSFER, INC., 458 Washington Street, St. Marys, Pa. 15857. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrode binder* (coal tar pitch), in containers, from Youngstown, Ohio, to Punxsutawney and St. Marys, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 20824 (Sub-No. 27), filed June 14, 1968. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. 46225. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods* 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Columbus, Ohio, and Fort Wayne, Ind., from Columbus over U.S. Highway 33 to Marysville, Ohio, thence over Ohio Highway 31 to Kenton, Ohio, thence over U.S. Highway 30S to Delphos, Ohio, thence over U.S. Highway 30 to Fort Wayne, and return over the same route as an alternate route for operating convenience only, serving no intermediate points. NOTE: Applicant is presently authorized to serve between Columbus, Ohio, and Fort Wayne, Ind., as follows: From Columbus over U.S. Highways 40 and 35 to Eaton, Ohio, thence over U.S. Highway 127 to Van Wert, Ohio, thence over U.S. Highway 30 to Fort Wayne, serving no intermediate points, also between Columbus, Ohio, and Fort Wayne, Ind., over a combination of a service route and alternate route as follows: From Columbus, Ohio, over U.S. Highway 40 to Richmond, Ind., thence over U.S. Highway 27 (alternate route) to Fort Wayne. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 22278 (Sub-No. 37), filed June 5, 1968. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Davenport, Iowa, and points in its commercial zone and, Iowa City, Iowa, over U.S. Highway 6 serving no intermediate points, and serving Iowa City, Iowa, as point of joinder only with applicant's other operating authorities. NOTE: Common control may be involved. Applicant states it intends to interline at Waterloo and Mason City, Iowa, Omaha, Nebr., and Sioux City, Iowa, with its presently held authority in MC 22278. If a hearing is deemed necessary, applicant requests it be held at Waterloo or Des Moines, Iowa.

No. MC 25798 (Sub-No. 179), filed June 10, 1968. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Lena, Wis., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 31600 (Sub-No. 632), filed June 5, 1968. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Alcoholic liquor*, in bulk, in tank vehicles, from Hartford, Conn., to points in Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41116 (Sub-No. 35), filed June 17, 1968. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, La. 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial urea*, in bags, from the plant facility of Olin Mathieson Chemical Corp., at Lake Charles, La., to Lufkin, Tex., under a continuing contract with Olin Mathieson Chemical Corp. NOTE: Applicant holds common carrier authority under Docket No. MC 123993 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 50493 (Sub-No. 38), filed June 13, 1968. Applicant: P. C. M. TRUCKING, INC., 1063 Main Street, Orefield, Pa. 18069. Applicant's representative: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish meal*, in bulk, in tank and hopper type vehicles, from points in Rhode Island to points in Pennsylvania, and (2) *bakery residue materials*, in bulk, from points in Chemung County, N.Y., to points in Hudson County, N.J. NOTE: Applicant holds contract carrier authority under Docket No. MC 115859 (Sub-No. 1) and subs, therefore, dual operations may be

involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 59694 (Sub-No. 4), filed May 29, 1968. Applicant: MISSOURI VALLEY EXPRESS, INC., 4440 Buckingham, Post Office Box 7078, South Omaha Station, Omaha, Nebr. 68101. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and dairy products*, as described in sections A and B of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Fort Dodge, Denison, Waterloo, Sioux City, and Iowa Falls, Iowa, to New York, N.Y., under contract with W. M. Tynan & Co., with no transportation for compensation on return except as otherwise authorized. NOTE: If a hearing is deemed neecssary, applicant requests it be held at Omaha, Nebr., and New York, N.Y.

No. MC 61592 (Sub-No. 116), filed June 7, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and equipment and attachments for trailers* from points in Riverside County, Calif., to points in Arizona, California, Idaho, Montana, Utah, Nevada, New Mexico, Oregon, Texas, and Washington and (2) *materials, equipment, and supplies* used in the manufacture of the commodities from the States named in (1) above to Riverside Count, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 61592 (Sub-No. 117), filed June 13, 1968. Applicant: JENKINS TRUCK LINE, INC., Post Office Box K, Bettendorf, Iowa. 52722. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden and steel tanks and towers*, set up or knocked down, including all component parts thereof, and *materials, equipment, and supplies* used in the erection and installation of wooden and steel tanks and towers, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Ohio, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, North Carolina, Oklahoma, Tennessee, Texas, Wisconsin, New York, Pennsylvania, Virginia, West Virginia, Maine, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 75320 (Sub-No. 141), filed June 7, 1968. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. 65801. Applicant's representative: Dick Messersmith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U.S. Highway 51 and Mississippi Highway 12 at or near Durant, Miss., and junction Mississippi Highway 12 and U.S. Highway 82 at or near State College, Miss., from junction U.S. Highways 51 and Mississippi Highway 12 at or near Durant, over Mississippi Highway 12 to junction U.S. Highway 82 at or near State College, Miss., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, except serving the junction of Mississippi Highways 12 and 15 at or near Ackerman, Miss., for the purpose of joinder only; (2) between junction U.S. Highway 51 and Mississippi Highway 16 at Canton, Miss., and junction Mississippi Highways 35 and 12 near Kosciusko, Miss.; from junction U.S. Highway 51 and Mississippi Highway 16 at Canton, over Mississippi Highway 16 to junction Mississippi Highway 35 at Carthage, Miss., thence over Mississippi Highway 35 to junction Mississippi Highway 12 at or near Kosciusko, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, except serving junction Mississippi Highways 35 and 12 at or near Kosciusko, for the purpose of joinder only.

(3) Between junction Mississippi Highways 15 and 32 and junction Mississippi Highway 32 and U.S. Highway 45W at or near Okolona, Miss.; from junction Mississippi Highways 15 and 32 located approximately 5 miles north of Houston, Miss., over Mississippi Highway 32 to junction U.S. Highway 45W at or near Okolona, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, except serving the junctions of Mississippi Highways 15 and 32 and Mississippi Highway 32 and U.S. Highway 45W for the purposes of joinder only; (4) serving junction Mississippi Highways 15 and 6 near Pontotoc, Miss., for the purpose of joinder only: (Under its authority contained in certificate of public convenience and necessity No. MC 75320, Subs 34 and 84, applicant possesses authority to operate over Mississippi Highway 15, and under its Sub 95 authority applicant possesses authority to operate over Missisippi Highway 6, and the purpose of this application is to ask for joinder at the junction of named highways so that it may utilize that junction in connection with its regular route operations authorized in Certificate MC 75320); (5) between junction U.S. Highway 11 and Mississippi Highway 26 at or near Poplarville, Miss., and Baton Rouge, La.; from junction U.S. Highway 11 and Mississippi Highway 26 at or near Poplarville, over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 10 to junction Louisiana Highway 21 at or near Bogalusa, La., thence over Louisiana Highway 21 to junction U.S. Highway 190 at or near Covington, La., thence over U.S. Highway 190 to Baton Rouge, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, except serving junction U.S. Highways 190 and 51.

(6) Between Gulfport, Miss., and junction U.S. Highway 190 and Louisiana Highway 21 at or near Covington, La.; from Gulfport, over U.S. Highway 90 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction Louisiana Highway 21 at or near Covington, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, except serving junction U.S. Highway 190 and Louisiana Highway 21 at or near Covington, for purpose of joinder only; (7) also in connection with (5) and (6) above between Gulfport, Miss., and Baton Rouge, La.; from Gulfport over Interstate Highway 10 to junction Interstate Highway 59, thence over Interstate Highway 12 to Baton Rouge, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Applicant states that as to part (7) above Interstate Highways 10 and 12 are either under construction, or are proposed. Interstate Highway 12 is under construction from Baton Rouge, La., to a point just southwest of Hammond, La., and from that point to the junction with Interstate Highway 59 northeast of Slidell, La., is proposed. From that point Interstate Highway 10 is under construction for approximately 5 miles, and from there to its intersection with U.S. Highway 49, a point within the commercial zone of Gulfport, Miss., Interstate Highway 10 is proposed. Therefore, applicant is here requesting that it be granted authority over Interstate Highways 10 and 12, so that they may be used in conjunction with the routes set out in (6) above, coupled with that portion of (5) from the junction U.S. Highways 190 and Louisiana Highway 21, over U.S. Highway 190, thus accomplishing a through service between Gulfport, Miss., and Baton Rouge, La., over either U.S. Highways 90 and 190 and/or Interstate Highways 10 and 12 as they are completed and open to traffic. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 76032 (Sub-No. 226), filed June 13, 1968. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: William E. Kenworthy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, heavy machinery, livestock, fresh fish, coal, ore, sand, gravel, commodities in bulk, those requiring special equipment, and household goods as defined by the Commission), serving Las Vegas, Nev., in connection with applicant's alternate route between Denver, Colo., and Los Angeles, Calif. NOTE: Applicant states that the

purpose of this application is to remove the restriction against service at Las Vegas, Nev., in connection with the applicant's alternate route in Sub-No. 216, so as to make that route also an alternate route for traffic moving to or from Las Vegas. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Las Vegas, Nev.

No. MC 78118 (Sub-No. 18), filed June 13, 1968. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Bernard N. Gingerich, 110 West State Street, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products, and equipment, materials, and supplies, used in the installation of sheet metal products*, from the plantsite of Acme Manufacturing Co. in Philadelphia, Pa., to points in Ohio and the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 87720 (Sub-No. 82), filed June 5, 1968. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collikns, 410 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bottles, jars, jugs, and closures*, from Nashua, N.H., to points in New York (except New York, N.Y., Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y.); points in Delaware and those points in Maryland and Virginia west of the Chesapeake Bay; (2) *paper bags and closures therefor*, from East Pepperell, Mass., to points in New York (except New York, N.Y., Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y.), and those points in Maryland and Virginia west of Chesapeake Bay; (3) *sewing machine heads and stands*, between East Pepperell, Mass., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Delaware, Maryland, and Virginia; (4) *plastic sheet liners and containers*, from East Pepperell, Mass., to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, and Virginia; (5) *returned or damaged shipments* of the above-named commodities, from the above-specified destination points in (1), (2), and (4) to East Pepperell, Mass., and Nashua, N.H. Restriction: The proposed service to be performed under a continuing contract or contracts with Bemis Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96098 (Sub-No. 27), filed June 10, 1968. Applicant: H. H. FOLLMER TRANSPORTATION INC., Post Office Box 389, Milton, Pa. 17847. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in containers, from Rittman and Morton, Ohio, to Philadelphia and Scranton, Pa., under a continuing contract with Morton Salt Co., a division of Morton International, Inc., of Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 96563 (Sub-No. 1), filed June 3, 1968. Applicant: PARENT CARTAGE LIMITED, 525 Hill Street, Windsor, Ontario, Canada. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and commodities in bulk), between Willow Run Airport, near Ypsilanti, Mich., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located at Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 100666 (Sub-No. 119), filed June 6, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the plantsite and warehouse facilities of Bowaters Southern Paper Corp. in McMinn County, Tenn., to points in Alabama, Mississippi, and New Mexico, and (2) *used paper winding cores*, from points in Alabama, Mississippi, and New Mexico to the plantsite and warehouse facilities of Bowaters Southern Paper Corp. in McMinn County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 101010 (Sub-No. 24), filed May 13, 1968. Applicant: ERIE LACKAWANNA RAILWAY COMPANY, a corporation, 101 Prospect Avenue, Cleveland, Ohio 44115. Applicant's representative: J. T. Clark, 1336 Midland Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities requiring special equipment, commodities in bulk, household goods as defined by the Commission, and commodities of unusual value), in substituted motor-for-rail service, (1) between Norwich and Utica, N.Y., over New York Highway 12, serving the intermediate points of Sherburne, Hubbardsville, Sangerfield, Waterville, Paris, and New Hartford, N.Y., and the off-route points of Galena, Earlville, and Richfield Junction, N.Y., (2) between Utica and Richfield Springs, N.Y., from Utica over New York Highway 8 to junction U.S. Highway 20 at Bridgewater, N.Y., thence over U.S. Highway 20 to Richfield Springs, and return over the same route, serving the intermediate points of Washington Mills, Chadwicks, Sauquoit, Clayville, Bridgewater, and West Wenfield, N.Y., and the off-route points of Cedarville and South Columbia, N.Y., (3) between Cortland and Syracuse, N.Y., over U.S. Highway 11 to junction New York Highway 5 at Syracuse, serving the intermediate points of Homer and Tully, N.Y., and the off-route points of Little York, Preble, Apulia, Onativia, Jamesville, and Rock Cut, N.Y., and (4) between Syracuse and Oswego, N.Y., over New York Highway 48, serving the intermediate points of Baldwinsville and Minetto, N.Y., and the off-route points of Solvay, Stiles, and Fulton, N.Y. Restrictions: (1) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of rail service. (2) Carrier shall not serve, or interchange traffic at any point not a station on its rail lines. (3) Shipments transported by carrier by motor vehicles shall be limited to those which it receives from or delivers to, its rail lines under a through bill of lading covering, in addition to a motor carrier movement by carrier, and immediately prior or immediately subsequent movement by rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Utica, N.Y.

No. MC 103993 (Sub-No. 329), filed June 10, 1968. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Robert G. Tessar and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Crawford County, Ohio, to points in the United States, (2) *trailers* designed to be drawn by passenger automobiles, in initial movements, from points in McLean County, Ill., to points in the United States, (3) *prefabricated movable wall systems, prefabricated light structural steel*, knocked down or in sections, and *equipment and materials* incidental to the erection and completion of said systems and sections (excluding commodities which because of size or weight require special equipment); and *metal gratings, meshes, laths, and plastering accessories*, from points in Wood County, W. Va., to points in Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Wisconsin, and Virginia, and (4) *prefabricated buildings*, complete, knocked down, or in sections, and *equipment, and materials* incidental to the erection and completion thereof from points in Wood County, W. Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio.

No. MC 107227 (Sub-No. 102), filed June 7, 1968. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except passenger automobiles), and *chassis*, in initial and secondary movements, in driveaway service, and (2) *bodies, cabs*, and *parts* of, and *accessories* for, such vehicles when moving in connection therewith, (a) from ports of entry on the international boundary line between the United States and Canada located in Washington, Idaho, Montana, North Dakota, Minnesota, Michigan, New York, Vermont, and Maine, to points in the United States (except Alaska and Hawaii), including ports of entry on the international boundary line between the United States and Canada for delivery into Canada, and (b) from ports of entry on the international boundary line between the United States and Canada located in Alaska to points in Alaska, restricted in all instances to the transportation of traffic moving from Canadian plantsites of Canadian Kenworth, Ltd., a subsidiary of Pacific Car & Foundry Co. NOTE: Applicant states that the purpose of this application is to provide service in both initial and secondary movements from the plantsites of Canadian Kenworth, Ltd., a subsidiary of Pacific Car & Foundry Co. Applicant presently has authority in Docket No. MC 107227 authorizing transportation of automobiles, buses, trucks, and chassis, in secondary movements, in driveaway service. Applicant is uncertain whether this secondary authority will authorize the movement of trucks moving in initial movements from the proposed point of manufacture in Burnaby, British Columbia, Canada. Therefore, applicant seeks initial movement authority from the border points. Any duplicating authority will be eliminated. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 107311 (Sub-No. 17), filed May 31, 1968. Applicant: PACIFIC WESTERN TRANSPORT, INC., 909 29th Street North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bulk, bags, or containers, from points in Spokane County, Wash., to points in Idaho north of the southern boundary of Idaho County, and to points in Wallowa, Union, Marrow, Umatilla, Baker, and Grant Counties, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 107496 (Sub-No. 666), filed June 13, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Lawrence, Kans., and Yazoo City, Miss., to points in Arkansas and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 107515 (Sub-No. 615), filed June 10, 1968. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Little Rock, Ark., to points in Kentucky, Indiana, Ohio, Pennsylvania, West Virginia, and Virginia, restricted to shipments originating at Little Rock, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Dallas, Tex.

No. MC 107871 (Sub-No. 56), filed June 11, 1968. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Syracuse, N.Y. 13201. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Osseine*, in bulk, from Peabody, Mass., to Rochester, N.Y. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y., Boston, Mass., New York, N.Y., or Washington, D.C.

No. MC 108068 (Sub-No. 65), filed June 12, 1968. Applicant: U. S. A. C. TRANSPORT, INC., 129 South State Street, Dover, Del. Applicant's representative: A. N. Jacobs, 25200 West Six Mile Road, Detroit, Mich. 48240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, or pipe fittings and materials, parts, supplies, tools, and accessories* moving in connection therewith, from the plantsites of United Technology Center at or near Riverside and Sunnyvale, Calif., to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Chicago, Ill.

No. MC 108068 (Sub-No. 66), filed June 13, 1968. Applicant: U.S.A.C. TRANSPORT, INC., 129 South State Street, Dover, Del. Mailing address 25200 West Six Mile Road, Detroit, Mich. 48240. Applicant's representative: A. N. Jacobs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, other than aircraft, which require the use of special equipment or handling; and *parts, attachments, equipment, materials, and supplies* moving in connection therewith, between East Hartford and Southington, Conn., on the one hand, and, on the other, points in the United States, restricted to traffic originating at or destined to the plants and facilities of United Aircraft in Connecticut. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Hartford, Conn.

No. MC 108449 (Sub-No. 287), filed June 13, 1968. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703, and W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, from Duluth, Minn., and Superior, Wis., to points in Iowa, Minnesota, North Dakota, South Dakota, and the Upper Peninsula of Michigan. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 109351 (Sub-No. 5), filed May 31, 1968. Applicant: G & E TRUCKING CO., a corporation, 1230 Taylor NE., Grand Rapids, Mich. Applicant's representative: Quentin A. Ewert, 117 West Allegan Street, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper and scrap corrugated paper*, from points within 30 miles of Chicago, Ill., except points within Chicago, Ill., and the commerical zone thereof, to Childsdale, Mich., under contract with Rockford Paper Mills, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 109435 (Sub-No. 52), filed June 10, 1968. Applicant: ELLSWORTH BROS. TRUCK LINES, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Muskogee, Okla., to points in Arkansas, Kansas, and Missouri. NOTE: If a hearingis deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 110166 (Sub-No. 19), filed June 7, 1968. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., Nance Lane, Post Office Box 7308, Nashville, Tenn. 37210. Applicant's representatives: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201, and J. C. Hutcheson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), between Nashville and Memphis, Tenn., over Interstate Highway 40, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 112304 (Sub-No. 26), filed June 13, 1968. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative:

James M. Burtch, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment, and supplies* used in the manufacture and processing of paper and paper products (except in bulk, in tank vehicles), between the plantsite and warehouse facilities of West Virginia Pulp & Paper Co., at or near Wickliffe, Ky., on the one hand, and, on the other, points in Wisconsin, Illinois, Missouri, Tennessee, Indiana, Michigan, Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113024 (Sub-No. 70), filed June 17, 1968. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex* (except in bulk); *plastics, synthetic* other than liquid (except in bulk), from Perryville, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under contract with Firestone Tire & Rubber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 200), filed June 7, 1968. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and pulpboard*, from Savannah, Ga., and the millsite of Union Camp Corp. in Autauga County, Ala., to points in Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Kentucky, Indiana, Illinois, Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114290 (Sub-No. 35) (Amendment), filed April 24, 1968, published in FEDERAL REGISTER issue of May 16, 1968, amended June 7, 1968, and republished as amended this issue. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (excluding frozen foods and potato products, not frozen) from points in Oregon and Washington to points in California (2) *foodstuffs*, from points in Oregon and Washington to points in Nevada and Arizona and (3) *foodstuffs* excluding frozen fruits, frozen berries, and frozen vegetables) from points in Washington to points in Oregon and between points in Oregon. NOTE: The purpose of this republication is to remove the restriction in (3) above. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 114533 (Sub-No. 161), filed June 10, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Small parts, electronic components, dyes, and office supplies* limited to 150 pounds per shipment, between Chicago, Ill., on the one hand, and, on the other, Flint, Saginaw, Kalamazoo, Lansing, Ann Arbor, Battle Creek, Grand Rapids, Jackson, and Detroit, Mich.; Fort Wayne, Indianapolis, Lafayette, South Bend, and Terre Haute, Ind.; Madison, Green Bay, Oshkosh, Appleton, Milwaukee, and Sheboygan, Wis.; Toledo and Cleveland, Ohio; and St. Louis, Mo., and (2) *audit media and business records*, between Shawnee Mission, Kans., on the one hand, and, on the other, points in Missouri. NOTE: Applicant has a pending application for contract carrier authority under Docket No. MC 128616, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 116544 (Sub-No. 92), filed June 10, 1968. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Birdseed, and agricultural commodities* as defined in section 203 (b)(6) of the Interstate Commerce Act, as amended, when transported at the same time and in the same vehicle with flour, corn meal, bran, shorts, and mill feed, other than bulk (presently authorized), from Kansas City and St. Joseph, Mo., and points in Oklahoma and Kansas, to points in Alabama, Florida, Georgia, Louisiana, and Mississippi. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118282 (Sub-No. 14), filed May 27, 1968. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Linesville, Pa., to points in New York, Ohio, West Virginia, New Jersey, Maryland, Delaware, Virginia, South Carolina, North Carolina, Georgia, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Michigan, Massachusetts, Connecticut, Rhode Island, Arkansas, Missouri, Texas, Florida, Louisiana, Alabama, and the District of Columbia. NOTE: Applicant states it would tack at Linesville, Pa., with its presently held authorities. Applicant holds contract authority in MC 125811, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119268 (Sub-No. 73), filed June 10, 1968. Applicant: OSBORN, INC., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 325–29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air coolers, cooling boxes, ovens, electric, and parts thereof and materials used in the manufacture thereof*, (1) from Amana, Iowa, to points in Tennessee, Alabama, Georgia, and Florida, and (2) from Fayetteville, Tenn., to points in Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Des Moines, Iowa.

No. MC 119778 (Sub-No. 114), filed June 11, 1968. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. 35221. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds*, liquid or dry and *anhydrous ammonia*, in bulk, in tank and hopper type vehicles, from the plantsite of Armour Agricultural Chemical Co. near Cherokee (Colbert County), Ala., to points in Arkansas, Georgia, Indiana, Kentucky, Mississippi, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 123067 (Sub-No. 67), filed June 10, 1968. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. 27105. Applicant's representative: B. M. Shirley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Savannah, Ga., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123766 (Sub-No. 8), filed June 14, 1968. Applicant: D & O TRANSPORT, INC., 214 South Fourth Avenue, Yakima, Wash. 98902. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, paper and pulp board boxes, and partitions*, between Longview and Yakima, Wash., on the one hand, and, on the other, The Dalles, Hood River, and Milton-Freewater, Oreg., and points within a 20-mile radius thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 124212 (Sub-No. 44), filed June 7, 1968. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Lehigh Portland Cement Co., located at Plainfield, Ill., to points in Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124212 (Sub-No. 45), filed June 13, 1968. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Lehigh Portland Cement Co., located at New Haven, Conn., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and New York City, N.Y. including the Burroughs of Queens, Brooklyn, Bronx, Manhattan, and Richmond. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124423 (Sub-No. 4), filed June 6, 1968. Applicant: JET MESSENGER SERVICE, INC., Post Office Box 99, Metuchen, N.J. 08840. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except furniture, garments and garment materials, cash letters and checks, articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), moving in express service, (1) between points in Bergen, Essex, Hudson, Middlesex, Morris, Monmouth, Passaic, Somerset, Sussex, and Union Counties, N.J., on the one hand, and, on the other, points in Bucks and Montgomery Counties, Pa.; (2) between points in Burlington, Camden, Hunterdon, Mercer, and Warren Counties, N.J., on the one hand, and, on the other, Wilmington, Del., New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., Bucks, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, and Union Counties, N.J., and Connecticut. Restriction: No service shall be provided in the transportation of articles weighing in the aggregate more than 5,000 pounds from one consignor at one location to one consignee at one location on any one day. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 124783 (Sub-No. 8), filed June 10, 1968. Applicant: KATO EXPRESS, INC., Post Office Box 291, Elizabethtown, Ky. 42701. Applicant's representative: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between Standiford Field Airport, Louisville, Ky., and Somerset Pulaski County Airport, Somerset, Ky., on the one hand, and, on the other, points in Monroe, Cumberland, Clinton, Wayne, Metcalfe, Green, Adair, Russell, Pulaski, McCreary, Casey, Taylor, Marion, Nelson, Washington, Bullitt, and Spencer Counties, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 125081 (Sub-No. 2), filed June 10, 1968. Applicant: EIDSON & USSERY, INC., Route No. 2, Marshall, Mo. 65340. Applicant's Representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock feeders*, from Quincy, Ill., to Springfield, Mo., and Rogers, Ark., (2) *salt*, from Hutchinson, Kans., to plantsites, exchanges, or other facilities of Missouri Farmers Association located in Saline, Boone, Carroll, Chariton, Howard, Cooper, Pettis, and Lafayette Counties, Mo., (3) *twine*, from New Orleans, La., to plantsites, exchanges, or other facilities of Missouri Farmers Association located in Missouri, (4) *oyster shell*, from Houston, Tex., to plantsites, exchanges, or other facilities of Missouri Farmers Association located in Saline, Buchanan, Carroll, Chariton, Howard, Cooper, Pettis, and Lafayette Counties, Mo., (5) *paper*, in rolls, from Pasadena, Tex., to plantsites, exchanges, or other facilities of Missouri Farmers Association located in Saline, Boone, Carroll, Chariton, Howard, Cooper, Pettis, and Lafayette Counties, Mo., and (6) *animal and poultry* feeds, from Kansas City, Kans., to points in Saline, Carroll, Chariton, Howard, Cooper, Pettis, and Lafayette Counties, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Kansas City, or St. Louis, Mo.

No. MC 127705 (Sub-No. 15), filed June 10, 1968. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Dunkirk, Ind., to points in West Virginia. NOTE: Applicant is authorized to operate under MC 123934 as a contract carrier, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 128343 (Sub-No. 6), filed June 6, 1968. Applicant: C–LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods, appliances, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, from Warren, R.I., to points in Alabama, California, Connecticut, Delaware, Flordia, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virgina, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials, equipment, and supplies*, used in the manufacture of the commodities set forth in (1) above, from the above-named destination States to Warren, R.I., under contract with Avnet, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 128375 (Sub-No. 20), filed June 3, 1968. Applicant: CRETE CARRIER CORPORATION, 15th and Main, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Duane W. Acklie and Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned pet food and supplies, ingredients, and materials*, used in the manufacture of pet food (except commodities in bulk, in tank and hopper type vehicles), from the account of Allen Products Co., Inc., (1) between Crete, Nebr., and points in Pennsylvania (except Allentown) (2) between Allentown, Pa., and Crete, Nebr., on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, Louisiana, Mississippi, Florida, Maryland, and Buffalo, N.Y.; (3) from Allentown, Pa., to points in Kentucky, Tennessee, and West Virgina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128459 (Sub-No. 1), filed June 4, 1968. Applicant: ALBERT L. SMITH, 124 Kearsarge Street, Pittsburgh, Pa. 15211. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Xerox reproducing machines, and supplies used in the operation thereof*, from Pittsburgh, Pa., to points in Pennsylvania, Ohio, and West Virginia, and *used reproducing machines and rejected or refused supplies*, on return, under contract with Xerox Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 128595 (Sub-No. 1), filed June 5, 1968. Applicant: ROY L. BRITZ-

MAN, Route No. 2, Richland, Mo. 65556. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, and pallet materials*, from points in Pulaski, and Howell, and Texas Counties, Mo., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City or Kansas City, Mo.

No. MC 129708 (Sub-No. 1), filed June 3, 1968. Applicant: McRAY TRUCK LINE, INC., Springfield, Ky. 40069. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Livestock feeders, wire fencing, gates, signs and nails, supplies* used in the installation of fencing, gates and signs, wire, wire products, and strapping materials, from Crawfordsville, Ind., Jacksonville, Fla., Sherman, Tex., Greenville, Miss., Dublin, Ga., and Cortland, N.Y., to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New Jersey, New York, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and, (2) *materials, equipment, and supplies* used in the manufacture of livestock feeders, wire fencing, gates, signs, nails, wire, wire products, strapping materials, and for the installation thereof, from points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Indiana, Illinois, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, New Jersey, New York, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, to Crawfordsville, Ind., Sherman, Tex., Greenville, Miss., Dublin, Ga., Cortland, N.Y., and Jacksonville, Fla. NOTE: Applicant holds contract carrier authority under MC 112567 and (Sub-No. 6), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 129820 (Sub-No. 2), filed June 6, 1968. Applicant: TRIPLE E EXPRESS, INC., 4544a North Prospect Road, Peoria Heights, Ill. Applicant's representative: John P. Meyer, Suite 500, 4 North Vermilion Street, Danville, Ill. 61832. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Units or bundles of boxes, fiberboard*, without wooden frames (paper boxes) corrugated knocked down flat (fiber content consisting of not less than 80 percent woodpulp, waste paper or straw pulp or mixture thereof), from Galesburg, Ill., to Waverly, Cedar Falls, and Cedar Rapids, Iowa, under contract with Alton Box Board Co., Galesburg Plant. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 129856 (Sub-No. 1), filed June 10, 1968. Applicant: J. TRANSFER WAREHOUSE & TRUCKING CO., INC., 535 Greenwich Street, New York, N.Y. 10013. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Film, photographic; film, X-ray; film, photographic, base; photographic plates, glass, dry; photographic machinery; chemicals, photographic;* in packages, in glass, and plastic; *corrugated cartons*, knocked down flat; *paperboard; paper photographic*, in packages, between the plantsites and warehouses of Ilford, Inc., and Bexford, Inc., Paramus, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, Port Newark, and Elizabethport, N.J., and points in Nassau, Westchester, and Rockland Counties, N.Y., under contract with Ilford, Inc., and Bexford, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129878 (Sub-No. 1), filed June 3, 1968. Applicant: FLOUR TRANSPORT, INC., 4325 Fruitland Avenue, Los Angeles, Calif. 90058. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Suite 606, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, in bulk, between points in Orange, Los Angeles, Ventura, San Bernardino, Riverside, Santa Barbara, Kern, and San Louis Obispo Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 129887 (Sub-No. 1), filed May 27, 1968. Applicant: CAL-PINE TRANSPORTATION, INC., 270 Henderson Street., Jersey City, N.J. 07302. Applicant's representative: Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps, cleaning compounds, sanitary liquids and powders*, in containers (other than bulk), (1) from the plantsite and warehouse of West Chemical Products, Inc., Long Island City, N.Y., to the warehouses of West Chemical Products, Inc., in Atlanta, Ga., Buffalo, N.Y., Chicago, Ill., Cleveland, Ohio, Dallas, Tex., Denver, Colo., Detroit, Mich., Houston, Tex., Los Angeles, Calif., New Orleans, La., Oakland, Calif., Pittsburgh, Pa., Portland, Oreg., Richmond, Va., St. Paul, Minn., Salt Lake City, Utah, and Seattle, Wash., and (2) from the plantsite and warehouse of West Chemical Products, Inc., Chicago, Ill., to the warehouses of West Chemical Products, Inc., in Atlanta, Ga., Buffalo, N.Y., Cleveland, Ohio, Dallas, Tex., Denver, Colo., Detroit, Mich., Houston, Tex., Indianapolis, Ind., Kansas City, Mo., Lockland, Ohio, Long Island City, N.Y., Los Angeles, Calif., New Orleans, La., Oakland, Calif., Philadelphia, Pa., and Richmond, Va., St. Louis, Mo., St. Paul, Minn., Salt Lake City, Utah, and Seattle, Wash., under a continuing contract with West Chemical Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129930, filed May 22, 1968. Applicant: FAIRPORT TRUCKING, INC., Williams Street, Grand River, Ohio 44045. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, from points in Lake County, Ohio, to points in that part of New York on and west of a line beginning at Oswego, N.Y., thence along New York Highway 57 to Syracuse, N.Y., thence along U.S. Highway 11 to the Pennsylvania-New York State line; west of U.S. Highway 11 (including Harrisburg, Pa.) and that part of West Virginia on, west and north of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 219 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to Charleston, W. Va., thence along U.S. Highway 60 to the West Virginia-Kentucky State line, under contract with Bessemer Cement Co., subsidiary of Louisville Cement Co. of Cleveland, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129958, filed June 5, 1968. Applicant: HARRY T. GERBER, doing business as HARRY T. GERBER TRUCKING, Rural Route 4, Bluffton, Ind. 46714. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, and animal and poultry feed ingredients*, dry, in bags, and in bulk, from Fairbury, Ill., and Fostoria, Ohio, to Bluffton, Ind., under contract with Gerber Feed Stores, Inc., and (2) *Concrete slats*, from the plantsite of the Thrive Center Division of Honeggers' & Co., Inc., at or near Bluffton, Ind., to points in Ohio and Michigan, under contract with Thrive Center Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 129960, filed June 6, 1968. Applicant: CLARENCE H. FIELDER, SR., doing business as FIELDER'S EXPRESS, 321 South Delaware Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products, rubber tires* mounted or not mounted, *wheels or wheel blanks, plastic*, not laminated nor reinforced with or without tires, *material and supplies* used in the manufacturing of rubber products, between (1) Lineville, Ala., and Olney, Ill., and (2) between Des Moines and Fort Madison, Iowa; Omaha, Nebr.; Windom, Minn., and Janesville, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 129961, filed June 6, 1968. Applicant: DONALD HACKMAN, INC., 835 Centre Avenue, Ephrata, Pa. 17522, Post Office Box D, Camden, Del. 19934. Applicant's representative: Harold Blumberg and Gerald P. Sigal, 233 North Fifth Street, Reading, Pa. 19601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bar-Bell equipment, health and recreational equipment*, between points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Missouri, Nebraska, New Mexico, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Wisconsin, Wyoming, Michigan, and Rhode Island, under contract with Manson-Billiard, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Reading, Pa.

No. MC 129962, filed June 6, 1968. Applicant: GERARD HARBEC TRANSPORT, INC., 162 Main Street, Farnham, Quebec, Canada. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. 03101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soya beans (oil meal)* from Fostoria, and Painesville, Ohio, to ports of entry on the international boundary of the United States and Canada at Champlain and Rouses Point, N.Y., and Highgate Springs, Vt., traffic destined for delivery in the province of Quebec, Canada and (2) *lignosol*, a dry feed binder, in bulk or in bags, from ports of entry on the international boundary of the United States and Canada in Vermont and New York to St. Albans, Vt., and canton, Cayuga, and Buffalo, N.Y., traffic originating in the Province of Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier or Burlington, Vt.

No. MC 129963, filed June 6, 1968. Applicant: FANN McKELVEY, doing business as McKELVEY TRUCKING, 5420 West Missouri Street, Phoenix, Ariz. 85301. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated and paper boxes*, knocked down, (a) from points in Los Angeles, Fullerton, Santa Fe Springs, Montebello, Colton, Santa Paula, Whittier, La Puente, Newark, Salinas, Modesto, San Jose, and Alameda, Calif., to points in Arizona, New Mexico, Colorado, Utah, and points in Texas on and west of U.S. Highway 385; and (b) from points in Phoenix, Ariz. to points in Colorado, New Mexico, California, and points in Texas on and west of U.S. Highway 385. (2) *Lumber* (a) from points in California north of the northern boundaries of San Bernardino, Kern, and San Luis Obispo Counties, Calif., to points in Arizona, New Mexico, and Oregon; (b) from Oregon to points in California and Arizona; and (c) from points in Colorado and Arizona to points in Arizona and California. (3) *Paper* for use in manufacture of corrugated containers from Snowflake, Ariz. to manufacturing facilities located at Los Angeles, Fullerton, Montebello, Santa Fe Springs, Colton, and Santa Paula, Calif., under contract with Arizona Box Co., Calpine Containers, Vegetable Growers Supply Co., and Weyerhaeuser Co., and *empty pallets*, on return of (1), (2), and (3) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or San Francisco, Calif.

No. MC 129964 (Sub-No. 1), filed June 10, 1968. Applicant: CLIFFORD PHOEBUS, doing business as FAMOUS TRANSIT CO., Post Office Box 732, Astoria, Ill. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, unmounted, *parts and attachments thereof* when transported with the truck bodies, and *ladders and accessories*, from Astoria, Ill., to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or St. Louis, Mo.

No. MC 129968, filed June 10, 1968. Applicant: GIBSON TRUCKING CORP., 8 Burchell Avenue, Bay Shore, N.Y. 11706. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Major household and commercial electrical appliances*, from warehouse storage facilities of General Electric Co. located at Kearney and Newark, N.J., to points in Suffolk County, N.Y., and *returned, refused, and rejected shipments*, on return, under contract with General Electric Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129970, filed June 13, 1968. Applicant: ROY A. GERNER & SONS, Rural Route No. 1, Cabot, Pa. 16023. Applicant's representatives: Leonard A. Jaskiewicz and J. William Cain, Jr., 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh, prepared, and frozen, from points in the New York City commercial zone, and points in Iowa, Kentucky, and Chicago, Ill., to Pittsburgh, Pa., under contract with Kress-Dobkin Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 129972, filed June 12, 1968. Applicant: GERALD D. WRIGHT, 1303 10th Street SE., Jamestown, N. Dak. 58401. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and articles* dealt in by wholesale beverage distributors, from Minneapolis-St. Paul, Minn., La Crosse and Milwaukee, Wis., to Jamestown and Bismarck, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 129973, filed June 14, 1968. Applicant: FIELD MARKETING SERVICES, INC., 235 East 42d Street, New York, N.Y. 10017. Applicant's representatives: Robert N. Kharasch and William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics and toilet preparations, articles and sundries*, and (2) *premiums, equipment, and supplies* used in connection with the sale of commodities described in (1) above (except commodities in bulk), from Irvington, N.J., to points in New Jersey for the account of Avon Products, Inc., restricted to home deliveries. NOTE: Applicant states that Irvington, N.J., is not the origin point but, rather, a break bulk point (a warehouse located in New Jersey) for traffic originating out of New Jersey and destined to Avon sales representatives. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 36524 (Sub-No. 12) (Correction), filed May 20, 1968, published FEDERAL REGISTER issue of June 13, 1968, corrected and republished in part as corrected, this issue. Applicant: MISSOURI TRANSIT LINES, INC., 104 North Clark, Post Office Box No. 632, Moberly, Mo. 65270. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. The purpose of this partial republication is to show applicant's address as Moberly, Mo., which was inadvertently omitted from previous publication.

No. MC 66582 (Sub-No. 33), filed June 11, 1968. Applicant: ORANGE & BLACK BUS LINES, INC., JOSEPH THIEBERG, RECEIVER, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between points in Cliffside Park, N.J., as follows: From junction Gorge Road and Edgewater Road in Cliffside Park, N.J., over Gorge Road to junction Gorge Road and Laird Avenue in Cliffside Park, N.J., and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to join the above authority to its existing authority in Docket MC 66582 and sub numbers thereunder to serve the junction of Gorge Road and Edgewater Road in Cliffside Park, N.J., in order to provide service between points on the proposed route and New York, N.Y. Applicant further states it already holds authority in Docket MC 66582 Sub-No. 17 to operate with closed doors over the proposed route in its existing authority under Docket MC 66582 and sub numbers thereunder to transport passengers

to and from New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130059, filed June 5, 1968. Applicant: FREIGHT EXPEDITERS, INC., 4343 West Ohio Street, Chicago, Ill. 60624. Applicant's representative: Abraham A. Diamond, 111 West Jackson Boulevard, Chicago, Ill. 60604. For a license (BMC 4) to engage in operations as a *broker* at Chicago, Ill., in arranging for transportation in interstate or foreign commerce of *general commodities*, except those of unusual value, classes A and B explosives, and commodities requiring special equipment, beginning and ending at Chicago, Ill., and extending to points in the United States.

APPLICATION OF FREIGHT FORWARDERS

FREIGHT FORWARDER OF PROPERTY

No. FF-347 AIR-SEA-LAND, INC., Freight Forwarder Application, filed June 14, 1968. Applicant: AIR-SEA-LAND, INC., 725 Minor Avenue, Seattle, Wash. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by water, air, and motor vehicle, in the transportation of *general commodities*, except household goods as defined by the Interstate Commerce Commission, between points in Oregon and Washington, and points and places in Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 59680 (Sub-No. 160) (Clarification), filed May 3, 1968, published FEDERAL REGISTER issue of May 16, 1968, clarified and republished as clarified this issue. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, Tex. 75222. Applicant's representative: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Big Brown Steam Electric Station located approximately 10.3 miles northeast of Fairfield, Tex., as an off-route point in connection with applicant's authorized regular route between Dallas and Houston, Tex. NOTE: The purpose of this republication is to show the location of the Big Brown Steam Electric Station as approximately 10.3 miles northeast of Fairfield, Tex., in lieu of 103 miles as previously published.

No. MC 114965 (Sub-No. 37), filed June 10, 1968. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from the plantsites of Central Farmers Fertilizer Co. and Missouri Farmers Association, Inc., near Palmyra, Marion County, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, and Nebraska.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7571; Filed, June 26, 1968; 8:45 a.m.]

[Notice 634]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 21, 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 41255 (Sub-No. 72 TA), filed June 18, 1968. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Box 11A, Hargrave Road, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Carthage, N.C., to points in Maryland, Virginia, New Jersey, Pennsylvania, New York, Georgia, South Carolina, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Delaware, Florida, Alabama, and District of Columbia, for 90 days. Supporting shipper: Stanley Furniture Co., Inc., Stanleytown, Va. 24168, Attention: Willis L. Adams, Eastern Traffic Manager. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, BSR Building, Suite 417, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 77972 (Sub-11 TA), filed June 17, 1968. Applicant: MERCHANTS TRUCK LINE, INC., Summer Street, Post Office Box 209, New Albany, Miss. 38652. Applicant's representative. Mr. Ben Kitchens (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Louisville, and Decatur, Miss., from Louisville over State Highway 15 to Decatur and return, serving all intermediate points, including Philadelphia, Miss., and the off-route point Sebastapol, Miss. (2) Between Louisville, Carthage, and Walnut Grove, Miss., from Louisville over Mississippi Highway 25 to Carthage, and thence over Mississippi Highway 35 to Walnut Grove and return over the same route serving all intermediate points, including Carthage, Miss. (3) Between Philadelphia and Carthage, Miss., over Mississippi Highway 16 with closed doors for operating convenience only, serving no intermediate points; applicant states the above authority will be tacked at Louisville, Miss., with present authority between Memphis, Tenn., on the one hand, and, on the other, various Mississippi points, including Louisville, for 180 days. Supporting shippers: Application is supported by 100 shippers located in Sebastopol, Philadelphia, Walnut Grove, Union, Decatur, Noxapater, and Carthage, Miss., and Memphis, Tenn., which may be examined here at the Commission's office in Washington, D.C., or at the field office named below. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38109.

No. MC 100623 (Sub-No. 11 TA), filed June 11, 1968. Applicant: HOURLY MESSENGERS INC., 1710-44 Wood Street, Philadelphia, Pa. 19103. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels and packages* except (1) money, bullion; narcotics (except medical supplies the principal ingredients of which are not a narcotic) securities; evidence of indebtedness; checks, choses in action and other valuables; valuable papers and (2) commercial papers, documents, written instruments, and business records as are used in the business of banks and banking institutions, no single parcel or package to exceed 50 pounds in weight nor 108 inches in length and girth combined, and the maximum weight for all parcels and packages from a single shipper to a single consignee on any day not to exceed 100 pounds, restricted against transportation from department stores, mail-order houses, premium redemption companies and other retail stores, between an area in Pennsylvania within the

following territory including the boundary line communities as follows: Starting from a point on the Pennsylvania-Delaware State line where the Pennsylvania-Delaware State line meets the Delaware River; thence northwest along the Pennsylvania-Delaware State line to the intersection with Ridge Avenue (U.S. 13 Bypass); thence northeast along Ridge Avenue to Linwood, Pa.; thence north on Pennsylvania Route 452 to the Intersection with U.S. Route 1; thence northeast on U.S. Route 1 to Rosetree.

Thence northwest on Providence Road through Edgmont and White Horse to Sugartown; thence north on Sugartown Road to intersection with U.S. Route 202; thence east on U.S. Route 202 to intersection with Devon Road and continuing on Devon Road to intersection with Sugartown Road; thence east on Sugartown Road to Strafford; thence west on U.S. Route 30 to intersection with Valley Forge Road; thence north on Valley Forge Road to New Centerville; thence east on U.S. Route 76 (Schuylkill Expressway); thence south on Interstate Route 76 to intersection with U.S. Route 1 (City Line Avenue); thence east from the Schuylkill River along the Philadelphia-Montgomery County border to Stenton Avenue to intersection with U.S. Route 309 (Bethlehem Pike); thence north on U.S. Route 309 (Bethlehem Pike) through Erdenheim, Flourtown, Whitemarsh, and Fort Washington to Cedar Hill Road; thence northeast on Cedar Hill Road and Chestnut Lane to County Line Road (Montgomery County-Bucks County border); thence southeast on County Line Road to Newtown Road; thence northeast on Newtown Road to Johnsville; thence southeast on Pennsylvania Route 132 (Street Road) through Davisville and Southampton to intersection with Gravel Hill Road; thence northwest of Gravel Hill Road to Churchville; thence southeast on Bristol Road to Buck Road; thence southwest on Buck Road to Pennsylvania Route 213 (Feasterville and Bridgetown Pike) through Bridgetown to Bucktoe; thence northwest on Langhorne-Yardley Road through Woodside and Yardley to the Delaware River; thence along the Delaware River to the point of beginning, on the one hand, and, on the other points in Somerset, Middlesex, Union, Essex, Morris, Passaic, Bergen, Hudson, and Sussex Counties, N.J., and New York, N.Y., Nassau, Suffolk, Rockland, and Westchester Counties, N.Y., for 180 days.

Supporting shippers: Snyder Manufacturing Co., 23d and Westmoreland Streets, Philadelphia, Pa. 19140; Charles Bruning Co., 1800 West Central Road, Mount Prospect, Ill. 60056; Cambridge Instrument Co., Inc., 479 Old York Road, Jenkintown, Pa. 19046; Elmar Supply Co., South and Paxson Avenues, Wyncote, Pa. 19095; Delaware Valley Surgical Supply Co., Inc., 825 Garrett Road, Upper Darby, Pa. 19082; David H. Blanck & Co., 315 East Hunting Park Avenue, Philadelphia, Pa. 19124; The Upjohn Co., 1075 First Avenue, King of Prussia, Pa. 19406; Alco Photo Supply Corp., 3501 North 10th Street, Philadelphia, Pa. 19140; Fred Coh Printers & Lithographers, 2912 North 16th Street, Philadelphia, Pa. 19132; Fishman & Tobin, Inc., Southeast Corner, Broad and Carpenter Streets, Philadelphia, Pa. 19147; American Business Systems, Inc., 5109–5113 Germantown Avenue, Philadelphia, Pa. 19144; Peirce-Phelps, Inc., 200 Block North 59th Street, Philadelphia, Pa. 19131; Liberty Bell Warehousing Corp., Jamison Avenue and Tomlinson Road, Philadelphia, Pa. 19116; A.C.E. Warehousing Distributors, 2246 Christian Street, Philadelphia, Pa. 19146; State Automotive Distributors, 2232 Christian Street, Philadelphia, Pa. 19146; Fox Electric Supply Co., Inc., Northeast Corner, Front Street and Girard Avenue, Philadelphia, Pa. 19123; Pier-Angeli Co., 4218–20 Lancaster Avenue, Philadelphia, Pa. 19104; Malamut & Chanen, 4322–42 North Fifth Street, Philadelphia, Pa. 19140; Asam Brothers, Inc., 2916 North Second Street, Philadelphia, Pa. 19133; Carson-Pettit, Inc., 214 West Lancaster Avenue, Devon, Pa. 19333; Lee Table Pad Manufacturing Co., 910–16 Fairmount Avenue, Philadelphia, Pa. 19123; Herman Rosenblitt, 754–756 South Fourth Street, Philadelphia, Pa. 19147; Barton Neckwear Co., 210 South Ninth Street, Philadelphia, Pa. 19107; Philadelphia Badge Co., Inc., 1007 Filbert Street, Philadelphia, Pa. 19107; David Rosen, Inc., 851–853–855 North Broad Street, Philadelphia, Pa. 19123; Clisby & Associates, Inc., 1817 North Fifth Street, Philadelphia, Pa. 19122; Mory-Buckwalter, Inc., 2526–36 Morris Street, Philadelphia, Pa. 19145; Surgical Supply Service, 1235 Vine Street, Philadelphia, Pa. 19107; Cooper Hosiery Co., 308 Market Street, Philadelphia, Pa. 19106; S. Ervin Diehl, Jr., 1300 North Front Street, Philadelphia, Pa. 19122; Spivack Bros., 757 South Fourth Street, Philadelphia, Pa. 19147; S.M.S. Automotive Products, Inc., 4819 Langdon Street, Philadelphia, Pa. 19124; M. Taylor & Co., Inc., 3312 Spring Garden Street, Philadelphia, Pa. 19104; Power Transmission Equipment Co., 304 Levering Mill Road, Bala-Cynwyd, Pa. 19004. Send protests to: Ross A. Davis, District Supervisor, 900 U.S. Customhouse, Second and Chestnut Streets, Interstate Commerce Commission, Bureau of Operations, Philadelphia, Pa. 19106.

No. MC 100623 (Sub-No. 12 TA), filed June 11, 1968. Applicant: HOURLY MESSENGERS, INC., 1710–44 Wood Street, Philadelphia, Pa. 19103. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parcels and packages* except (1) money; bullion; narcotics (except medical supplies the principal ingredients of which are not a narcotic); securities; evidence of indebtedness; checks, choses in action and other valuables; valuable papers and documents; and (2) commercial papers, documents, written instruments and business records as are used in the business of banks and banking institutions, no single parcel or package to exceed 50 pounds in weight nor 108 inches in length and girth combined, and the maximum weight for all parcels and packages from a single shipper to a single consignee on any day not to exceed 100 pounds, restricted against transportation from department stores, mail-order houses, premium redemption companies, and other retail stores, between an area in Pennsylvania within the following territory including the boundary line communities as follows: Starting from a point on the Pennsylvania-Delaware State line where the Pennsylvania-Delaware State line meets the Delaware River.

Thence northwest along the Pennsylvania-Delaware State line to the intersection with Ridge Avenue (U.S. 13 Bypass); thence northeast along Ridge Avenue to Linwood, Pa.; thence north on Pennsylvania Route 452 to the intersection with U.S. Route 1; thence northeast on U.S. Route 1 to Rosetree; thence northwest on Providence Road through Edgemont and White Horse to Sugartown; thence north on Sugartown Road to intersection with U.S. Route 202; thence east on U.S. Route 202 to intersection with Devon Road and continuing on Devon Road to intersection with Sugartown Road; thence east on Sugartown Road to Strafford; thence west on U.S. Route 30 to intersection with Valley Forge Road; thence north on Valley Forge Road to New Centerville; thence east on U.S. Route 76 (Schuylkill Expressway); thence south on Interstate Route 76 to intersection with U.S. Route 1 (City Line Avenue); thence east from the Schuylkill River along the Philadelphia-Montgomery County border to Stenton Avenue; thence south on Stenton Avenue to intersection with U.S. Route 309 (Bethlehem Pike); thence north on U.S. Route 309 (Bethlehem Pike) through Erdenheim, Flourtown, Whitemarsh, and Fort Washington to Cedar Hill Road; thence northeast on Cedar Hill Road and Chestnut Lane to County Line Road (Montgomery County-Bucks County border); thence southeast on County Line Road to Newtown Road; thence northeast on Newtown Road to Johnsville; thence southeast on Pennsylvania Route 132 (Street Road) through Davisville and Southampton to intersection with Gravel Hill Road; thence northeast on Gravel Hill Road to Churchville; thence southeast on Bristol Road to Buck Road.

Thence southwest on Buck Road to Pennsylvania Route 213 (Feasterville and Bridgetown Pike) through Bridgetown to Bucktoe; thence northeast on Langhorne-Yardley Road through Woodside and Yardley to the Delaware River; thence along the Delaware River to the point of beginning, on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia for 180 days. Supporting shipper: S.M.S. Automotive Products, Inc., 4819 Langdon Street, Philadelphia, Pa. 19924; Snyder Manufacturing Co., 23d

and Westmoreland Streets, Philadelphia, Pa. 19140; David H. Blanck & Co., 315 East Hunting Park Avenue, Philadelphia, Pa. 19124; American Business Systems, Inc., 2929 B Street, Philadelphia, Pa. 19134; Parke-Davis & Co., Post Office Box E, 2130 Highway 38, Cherry Hill, N.J. 08034; Peirce-Phelps, Inc., 2000 Block North 59th Street, Philadelphia, Pa. 19131; Liberty Bell Warehousing Corp., Jamison Avenue and Tomlinson Road, Philadelphia, Pa. 19116; A.C.E. Warehousing Distributors, 2246 Christian Street, Philadelphia, Pa. 19146; State Automotive Distributors, 2232 Christian Street, Philadelphia, Pa. 19146; Fox Electric Supply Co., Inc., Northeast Corner Front Street and Girard Avenue, Philadelphia, Pa. 19123; Asam Brothers, Inc., 2916 North Second Street, Philadelphia, Pa. 19133; Barton Neckwear Co., 210 South Ninth Street, Philadelphia, Pa. 19107; David Rosen, Inc., 851–853–855 North Broad Street, Philadelphia, Pa. 19123; Herman Rosenblitt, 754–756 South Fourth Street, Philadelphia, Pa. 19147; Harvey Laboratories, Inc., 5109–5113 Germantown Avenue, Philadelphia, Pa. 19144. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107583 (Sub-41 TA), filed June 14, 1958. Applicant: SALEM TRANSPORTATION CO., INC., 1222 Jerome Avenue, Bronx, N.Y. 10452. Applicant's representative: George H. Rosen, 265 Broadway, Monticello, N.Y. 12701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express and small packages* in the same vehicle with passengers: (1) Between McGuire Air Force Base, Fort Dix, Wrightstown, N.J., and the township of North Hanover, Burlington County, N.J., on the one hand, and, on the other, Newark, N.J., Philadelphia, Pa., and New York, N.Y., and (2) between Philadelphia, Pa., and New York, N.Y., for 150 days. Supporting shippers: Military Traffic Management & Terminal Service, Washington, D.C.; Pan American World Airlines, New York, N.Y.; Eastern Airlines, New York, N.Y. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111103 (Sub-28 TA), filed June 17, 1968. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: Oliver Burt, Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Checks, coupons, and all types of bank papers and bank records*, between Philadelphia, Pa., on the one hand, and, on the other, points in Union and Essex Counties, N.J., limited to a transportation service to be performed under continuing contract or contracts with banks or banking institutions, for 180 days. Supporting shipper: The Philadelphia National Bank, Broad and Chestnut Streets, Philadelphia, Pa. 19107. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 119317 (Sub-29 TA), filed June 17, 1968. Applicant: GROSS AND SONS TRANSPORT COMPANY, 9804 East 36th Street, Independence, Miss. 64052. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and ice cream, sherbet, ice milk, vegetable fat, frozen desserts, ice cream novelties, buttermilk, homogenized milk, chocolate drink, Fat Free, Half & Half, bulk cream and condensed, condensed and skim milk powder, cream, low fat milk, orange drink, lemonade, fresh orange, 50 percent orange juice, butter, margarine, sour cream, Sour half & half, French onion dip, puddings, salads, fruits, fresh and frozen, eggs, fresh and frozen, Zip Whipt, Half & Half Creamers, cottage cheese, yogurt, dehydrated whey solids, sugar stabilizers, food acids, flavors, confections, nuts, syrup, chocolate, cocoa, paper supplies, dry ice, ice cream and milk containers, artificial sweetening agents, emulsifiers, dehydrated milk solids, office supplies, buttermilk powder, Poly Overwrap, Sodium Caseinate, candy, soap, bread, and miscellaneous premiums*, between Atlanta, Ga., New Orleans, La., and Jacksonville, Fla., on the one hand, and, on the other, Omaha, Nebr., under a continuing contract with Sealtest Foods Division of National Dairy Products Corp., for 150 days. Supporting shipper: Sealtest Foods, Division of National Dairy Products Corp., Post Office Box 1007, Kansas City, Mo. 64141. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119567 (Sub-No. 6 TA), filed June 17, 1968. Applicant: F. H. McCLURE and R. V. ESTALL, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, Idaho 83705. Applicant's representative: R. V. Estell, 2007 Overland Road, Boise, Idaho 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* and points to or from which they are proposed to be transported: (1) *Cement, from* points in Ada County, Idaho, *to* points in Nevada on and north of U.S. Highway 40, except points in Washoe County, Nev.; (2) *concrete tanks*, from Boise, Idaho *to* points in Elko, Eureka, Humboldt, Lander, Pershing, and Churchill Counties, Nev.; (3) sand, *from* points in Ada and Boise Counties, Idaho, *to* points in Nevada, (4) *steel tanks, pipe, and fabricated steel products, from* Boise, Idaho, *to* points in Elko, Humboldt, Washoe, Pershing, Churchill, Lander, and White Pine Counties, Nev.; also to points in Oregon on U.S. Highway 95 south; (5) building materials, *from* points in Idaho located south of the Salmon River and on and west of U.S. Highway 93 *to* points in Nevada on and north of U.S. Highway 40. NOTE: Representative advises temporary authority will not be tacked to present authority, for 180 days. Supporting shippers: Oregon Portland Cement Co., 111 Southeast Madison, Portland, Oreg. 97214; Boise Vault Co., 5209 Emerald Street, Boise, Idaho 83704; Porter Bros. Co., Post Office Box 668, Boise, Idaho 83702; Beall Pipe & Tank Corp., 225 Broadway, Boise, Idaho 83706; Jess Brown, Eagle, Idaho 83616. Send protests to: C. W. Campell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 128598 (Sub-No. 3 TA), filed June 18, 1968. Applicant: BEVARD BROTHERS, INC., 4714 St. Barnabas Road SE., Silver Hill, Md. Applicant's representative: Francis J. Ortman, Suite 707, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Prince Georges County, Md., to Washington, D.C., Alexandria, Fairfax, and Falls Church, Va., and points in Arlington, Fairfax (except Herndon), Loudoun, and Prince William Counties, Va., for the account of Landover Sand Co., for 180 days. Supporting shipper: Landover Sand Co., 4714 St. Barnabas Road SE., Silver Hill, Md. 20031. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 1220, Washington, D.C. 20423.

No. MC 129454 (Sub-1 TA), filed June 17, 1968. Applicant: PAUL H. ENGELK, doing business as ENGELKE FEED SERVICE, Post Office Box 135, Chadwick, Ill. 61014. Applicant's representative: Karl Yost, 207 East Lincolnway, Morrison, Ill. 61270. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds made of mineral herbicides, rodenticides, insect repellent, vermin exterminators, and related dispensing equipment, and advertising materials, and premiums*, from Chadwick, Ill., to points in Wisconsin, for 180 days. Supporting shipper: Standard Chemical Manufacturing Co., Box 3844, Main Office Station, Omaha, Nebr. 68103. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 129904 (Sub-No. 1 TA), filed June 17, 1968. Applicant: HAMILTON'S TRANSPORTS, INC., 139 West Hall, Oberlin, Kans. 67749. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from Selden, Kans., to points in Perkins, Chase,

Lincoln, Hays, Hitchcock, Frontier, Dawson, Red Willow, Furnas, Harlan, Gosper, Phelps, and Dundy Counties, Nebr., for 150 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweither Building, Wichita, Kans. 67202.

No. MC 129957 TA (Correction), filed June 7, 1968, published FEDERAL REGISTER, issue of June 14, 1968, and republished as corrected this issue. Applicant: DONALD D. OLSON, doing business as OLSON EXPLOSIVES COMPANY, 204½ East Water Street, Decorah, Iowa 52101. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting materials, blasting agents and supplies*, between Decorah, Iowa, Des Moines, Iowa, Cross Plains, Black River Falls, and Hurley, Wis.; Ishpeming, Mich., Virginia, Crosby, and Hampton, Minn., and points within 5 miles of each, for 180 days. NOTE: The purpose of this republication is to add explosives to the commodities proposed to be transported, inadvertently omitted from previous publication. Supporting shipper: Hercules Inc., Suite 500, 120 Oakbrook Center Mall, Oak Brook, Ill. 60521. Send protests to: Charles C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7635; Filed, June 26, 1968; 8:48 a.m.]

[Notice 635]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 24, 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 41255 (Sub-No. 71 TA), filed June 18, 1968. Applicant: GLOSSON MOTOR LINES, INC., Route 9, Box 11A, Hargrave Road, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from the plantsite of Smith Novelty Co., Albemarle, N.C., to points in Delaware, Maryland, Virginia, New Jersey, Pennsylvania, Alabama, and Georgia: (2) From the plantsite of Dolly Madison Industries, Salisbury, N.C., to points in Virginia, South Carolina, Georgia, Florida, Alabama, and Baltimore, Md.: (3) From the plantsite of Carolina Forge, Salisbury, N.C., to points in Virginia, South Carolina, Georgia, Florida, Alabama, and Baltimore, Md.: (4) From the plantsite of Brady Furniture Co., Inc., Rural Hall, N.C., to points in Alabama, Georgia, and Florida: (5) From the plantsite of Selig Manufacturing Co. Inc., Silver City, N.C., to points in Maryland, Virginia, New York, New Jersey, Pennsylvania, Georgia, South Carolina, Connecticut, Maine, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Alabama, Florida, and District of Columbia: (6) From the plantsite of Edinburg Industries, Washington, N.C., to points in Maryland, Virginia, New Jersey, Pennsylvania, New York, Georgia, South Carolina, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Delaware, Florida, Alabama, and the District of Columbia: (7) From the plantsite of Lee Crafts, Inc., Sanford, N.C., to points in Maryland, Virginia, New Jersey, Pennsylvania, New York, Georgia, South Carolina, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Delaware, Florida, Alabama, and the District of Columbia: (8) From the plantsite of William Fetner, Inc., Hamlet, N.C., to points in Maryland, Virginia, New York, New Jersey, Pennsylvania, Georgia, South Carolina, Connecticut, Maine, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Alabama, Florida, and the District of Columbia: (9) From the plantsite of Carcalo Manufacturing Corp., Rocky Mount, N.C., to points in Maryland, Virginia, New York, New Jersey, Pennsylvania, Georgia, South Carolina, Connecticut, Maine, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Alabama, Florida, and the District of Columbia, and (10) from the plantsite of Ma-Leck Corp., Rockingham, N.C., to points in Maryland, Virginia, New Jersey, Pennsylvania, New York, Georgia, South Carolina, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine, Delaware, Florida, Alabama, and the District of Columbia, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, BSR Building, Suite 417, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 46280 (Sub-No. 65 TA) (correction), filed May 16, 1968, published FEDERAL REGISTER issued of May 28, 1968, and republished as corrected this issue. Applicant: DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Cornelius J. Koster (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from the plantsite of Freedman Artcraft Co., Charlevoix, Mich., to Traverse City, Mich., over U.S. Highway 31, for 180 days. NOTE: Applicant intends to interline at Indianapolis, Ind., which was omitted from the FEDERAL REGISTER, and does intend to tack with authority in MC 46280, and also interline at Minneapolis-St. Paul, Minn.; Louisville, Ky.; Chicago, Ill.; St. Louis, Mo.; Milwaukee, Wis. Supporting shipper: Freedman Artcraft Engineering Corp., Post Office Box 228, Charlevoix, Mich. 49720. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 107871 (Sub-No. 57 TA), filed June 20, 1968. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Syracuse, N.Y. 13201. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Osseine*, in bulk, from Peabody, Mass., to Rochester, N.Y., for 180 days. Supporting shipper: Eastman Kodak Co., General Traffic Department, Building 205, Kodak Park Works, Rochester, N.Y. 14650. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 111383 (Sub-No. 27 TA) (Clarification), filed March 11, 1968, published FEDERAL REGISTER issues of March 21, 1968, and June 4, 1968, and republished in part, as amended, this issue. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Boulevard, Dallas, Tex. 75208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from Oklahoma City, Okla., to St. Louis, Mo., and Chicago, Ill.; (2) from points in Cook, De Kalb, Du Page, Kane, Lake, and Will Counties, Ill., and points in Madison County, Ill., on and east of a line beginning at Alton, Ill., and extending

northerly along U.S. Highway 67 to the Madison County boundary line and extending southerly along U.S. Highway 66 to the Mississippi River at a point of north East St. Louis, Ill., to Oklahoma City, Okla.; (3) from St. Louis, Mo., to Oklahoma City, Okla.; (4) from Oklahoma City, Okla., to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, except St. Louis, Mo., and to points and places in the Chicago, Ill., commercial zone, except Chicago, Ill.; (5) from points in Indiana within the Chicago, Ill., commercial zone to Oklahoma City, Okla.; (6) from points in the East St. Louis, Ill., commercial zone, except St. Louis, Mo., and except points in Illinois in the aforesaid zone which are located on and north of U.S. Highway 66, to Oklahoma City, Okla. Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Oklahoma City, Okla., on the one hand, and, on the other, points authorized to be served by Braswell Motor Freight Lines, Inc., on its presently authorized regular routes in Arizona and California. NOTE: Applicant proposes to tack the irregular route authority with its regular route authority at Oklahoma City to provide through service between points on its irregular route authority and points on its regular route authority in Arizona and California, for 180 days. Supporting shippers: There are approximately 276 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 125952 (Sub-No. 7 TA) (Correction), filed June 17, 1968, published FEDERAL REGISTER in Notice No. 633, and republished as corrected this issue. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango Street SW., Tacoma, Wash. 98499. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machined or cut plywood and hardboard*, from Sumner, Wash., to San Francisco and Los Angeles, Calif., for 180 days. NOTE: The purpose of this correction is to show the correct docket number, MC 125952 (Sub-No. 7 TA), in lieu of MC 125925 (Sub-No. 7 TA), which was in error. Supporting shipper: Pasquier Panel Products, Inc., Post Office Box 117, Sumner, Wash. 98390. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

MOTOR CARRIER OF PASSENGERS

No. MC 129976 (Sub-No. 1 TA), filed June 20, 1968. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC., 730 Madison Avenue, Paterson, N.J. 07501. Applicant's representative: Edward Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from the office of Union Camp. Corp., Wayne, N.J., to the office of Union Camp Corp., New York, N.Y., and, on return, from the office of Union Camp Corp., New York, N.Y., to the office of Union Camp Corp., Wayne, N.J., for 150 days. Supporting shipper: Union Camp Corp., 233 Broadway, New York, N.Y. 10007. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-7636; Filed, June 26, 1968; 8:49 a.m.]

[Notice 165]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 24, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70477. By order of June 20, 1968, the Transfer Board approved the transfer to Chickasaw Motor Line, Inc., Nashville, Tenn., of certificate of registration No. MC-121597 and MC-121597 (Sub-No. 1), issued November 22, 1966, and June 17, 1968, to J. H. Lofton, doing business as Chickasaw Motor Line, Nashville, Tenn., evidencing a right to engage in interstate or foreign commerce of general commodities, with exceptions, between points in Tennessee. Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201, attorney for applicants.

No. MC-FC-70533. By order of June 20, 1968, the Transfer Board approved the transfer to E. B. Willard, doing business as Ten Sleep Service Co., Post Office Box 566, Worland, Wyo., 82401, of the operating rights in certificate No. MC-109849 issued May 8, 1963, to Kenneth L. Beydler, doing business as Tensleep Service, Post Office Box 53, Ten Sleep, Wyo. 82442, authorizing the transportation, over a specified route, of general commodities, except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment, between Worland, Wyo., and Ten Sleep, Wyo., serving all intermediate points.

No. MC-FC-70556. By order of June 20, 1968, the Transfer Board approved the transfer to LeRoy Prins and Gary G. Prins, a partnership, doing business as Prins Trucking, Rushmore, Minn., of the operating rights in certificate No. MC-39420 issued March 31, 1964, to William A. Prins and LeRoy Prins, a partnership, doing business as William A. Prins & Son, Rushmore, Minn., authorizing transportation service in interstate or foreign commerce, over irregular routes, of livestock, between Adrian, Minn., and points within 15 miles of Adrian, Minn., on the one hand, and, on the other Sioux Falls, S. Dak., and Sioux City, Iowa; farm implements, machinery and parts, livestock and feed, between Rushmore, Minn., and points in Minnesota within 10 miles of Rushmore, Minn., on the one hand, and, on the other, Sioux City, Iowa, and Sioux Falls, S. Dak.; farm seed, from Sioux Falls, S. Dak., to Rushmore, Minn., and points in Minnesota (except municipalities) within 10 miles thereof, with no transportation for compensation on return except as otherwise authorized; cement blocks and building and drainage tile from Sibley, Iowa, and points within 1 mile thereof to Rushmore, Minn., and points in Minnesota within 20 miles thereof, with no transportation for compensation on return except as otherwise authorized. Robert A. Darling, Dolan Building, Worthington, Minn. 56187, attorney for applicants.

No. MC-FC-70557. By order of June 20, 1968, the Transfer Board approved the transfer to M. S. Marks Trucking Co., Inc., Newark, N.J., of the operating rights in certificate No. MC-119714 issued January 22, 1962, to Martin S. Marks, doing business as M. S. Marks, New York, N.Y., authorizing the transportation, over irregular routes, of alcoholic beverages, except malt beverages, between Newark and Linden, N.J., on the one hand, and, on the other, points in the Port of New York District. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for applicants.

No. MC-FC-70560. By order of June 20, 1968, the Transfer Board approved the transfer to Homer L. Blickenderfer, Charles City, Iowa, of the operating rights in certificate No. MC-46880 issued August 26, 1957, to John F. Hayden, Elma, Iowa, authorizing the transportation, over irregular routes, of agricultural implements, machinery, and parts, building materials, coal, feed, tankage, seed, flour, hardware, plumbing supplies, household goods, emigrant movables, livestock, and steel products from and to, or between numerous points in Illinois, Iowa, and Minnesota. Keith S. Noah, 200 North Johnson Street, Charles City, Iowa 50616, attorney for applicants.

No. MC-FC-70561. By order of June 20, 1968, the Transfer Board approved the transfer to T. J. Motor Lines, Inc., doing

business as T. J. Motor Lines, Fall River, Mass., of the certificate of registration No. MC–96979 (Sub-No. 1) issued December 6, 1963, to Eddy Transportation Co., Inc., North Westport, Mass., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized by irregular route common carrier certificate No. 7699 dated March 28, 1958, issued by the Massachusetts Department of Public Utilities. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–70563. By order of June 20, 1968, the Transfer Board approved the transfer to Jackson Trucking, Inc., Plainwell, Mich., of the operating rights in permits Nos. MC–55885 and MC–55885 (Sub-No. 9) issued November 10, 1960, and November 21, 1962, respectively, to Homer H. Jackson, doing business as Jackson Trucking Co., Otsego, Mich., authorizing the transportation, over regular routes, of paper and paper products, empty steel drums, and supplies used by paper mills in the manufacture of paper between Otsego, Mich., and Aurora and Chicago, Ill., and corn meal, animal or poultry feeds, rolled oats, and fertilizer from Chicago and Chicago Heights, Ill., to Otsego, Ill., serving designated intermediate points, with certain restrictions, and, over irregular routes, of paper and paper products, empty steel drums, and supplies used by paper mills in the manufacture of paper between Otsego, Mich., and points in Indiana, farm products from Hooper, Mich., to Chicago, Ill., paper mill products from Otsego, Mich., to points in Ohio, scrap or waste paper, paper mill rolls, and skids from points in Ohio to Otsego, Mich., fresh and dried fruits and vegetables from Martin, Mich., and points within 15 miles of Martin, to points in Ohio, Indiana, Missouri, Kentucky, and Illinois, and bakery goods, not frozen, from Cutlerville, Mich., to points in California, Connecticut, Florida, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Massachusetts, Missouri, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia. William F. Braeuninger, 117 West Allegan Street, Lansing, Mich. 48933, attorney for applicants.

No. MC–FC–70580. By order of June 20, 1968, the Transfer Board approved the transfer to Daley Trucking Co., Inc., Haverhill, Mass., of the certificate of registration No. MC–57779 (Sub-No. 1) issued August 9, 1966, to Paul F. Daley, doing business as Daley Trucking Co., West Newton, Mass., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Massachusetts, corresponding in scope to the service authorized by irregular route common carrier certificate No. 4741, issued January 4, 1966, by the Massachusetts Department of Public Utilities. George C. O'Brien, 33 Broad Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–70582. By order of June 20, 1968, the Transfer Board approved the transfer to James Luiso & Sons, Inc., Mount Vernon, N.Y., of the operating rights in certificate No. MC–86321 issued October 5, 1940, to James Luiso, Mount Vernon, N.Y., authorizing the transportation of household goods, over irregular routes, between Mount Vernon, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC–FC–70587. By order of June 20, 1968, the Transfer Board approved the transfer to Lovetere-Tippincott Moving and Storage, Inc., Winsted, Conn., of certificate No. MC–111742, issued May 25, 1950, to Salvo J. Lovetere, doing business as Lovetere Transportation, Winsted, Conn., authorizing the transportation of household goods, between Winsted, Conn., and points in Connecticut and Massachusetts within 25 miles of Winsted, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, Rhode Island, New Hampshire, Vermont and Pennsylvania. Sidney L. Goldstein, 109 Church Street, New Haven, Conn. 06510, attorney for applicants.

No. MC–FC–70588. By order of June 20, 1968, the Transfer Board approved the transfer to Earl H. Christoffersen, doing business as Christoffersen Transfer, Lyons, Nebr., of certificate No. MC–94223, issued March 18, 1964, to Nels J. Christoffersen and Earl H. Christoffersen, a partnership, doing business as Christoffersen Transfer, Lyons, Nebr., authorizing the transportation of livestock, grain, feed, hay, coal, household goods, petroleum products in containers, agricultural implements and parts, lumber, fencing, twine, and a variety of other specified commodities, from, to, or between specified points in Iowa, Nebraska, and South Dakota.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–7637; Filed, June 26, 1968; 8:49 a.m.]

[No. 35015]

INCREASED FOURTH-CLASS RATES, 1968

JUNE 25, 1968.

On June 24, 1968, the Postmaster General, Post Office Department, filed a request with the Commission to increase the rates of postage on fourth-class parcel post and catalogs pursuant to 39 U.S.C. 4558.

The schedule of proposed rates filed with the Commission differ from those published by the Postmaster General at page 5461 of the April 6, 1968, issue of the FEDERAL REGISTER. See attachment containing schedules which differ from those published at page 5461 of the April 6, 1968, issue of the FEDERAL REGISTER.

The request and supporting data filed by the Postmaster General is available for inspection in the public docket located in the Office of the Secretary at the Commission's office in Washington, D.C.

Any interested person may file a protest to the proposed rate reformation on or before July 10, 1968. If a protest exceeds 3 pages in length, an original and 15 copies shall be filed with the Commission. If a protest does not exceed 3 pages in length, an original and 3 copies shall be filed.

[SEAL] H. NEIL GARSON,
Secretary.

SCHEDULE OF PROPOSED RATES OF POSTAGE ON PARCEL POST

Weight 1 pound and not exceeding (pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
2	50	60	60	65	70	80	85	90
3	50	65	70	75	85	95	105	115
4	55	70	75	85	95	110	120	135
5	55	75	80	90	105	125	140	160
6	55	80	90	100	115	140	155	175
7	60	90	95	110	130	150	175	195
8	60	95	100	115	140	165	190	215
9	65	100	105	125	150	180	205	235
10	65	105	115	135	165	190	225	255
11	65	110	120	140	175	200	240	275
12	70	115	125	150	185	215	255	290
13	70	120	135	155	195	225	270	310
14	75	125	140	165	205	240	285	325
15	75	130	145	175	215	250	300	345
16	75	135	155	180	225	260	315	360
17	80	140	160	190	235	275	330	380
18	80	145	165	195	245	285	345	400
19	85	150	175	205	255	295	360	415
20	85	155	180	210	265	310	375	435
21	85	160	185	215	275	320	390	450
22	90	165	190	225	280	330	405	470
23	90	170	195	230	290	340	420	485
24	95	175	200	235	300	355	435	500
25	95	175	205	245	305	365	450	520
26	95	180	205	250	315	375	465	535
27	100	185	210	255	325	390	480	555
28	100	190	215	260	335	400	490	570
29	105	190	220	270	340	410	505	590
30	105	195	225	275	350	420	520	605
31	105	200	230	280	360	435	535	625
32	110	205	235	290	365	445	550	640
33	110	210	240	295	375	455	565	655
34	115	210	245	300	385	465	575	675
35	115	215	250	305	395	480	590	690

SCHEDULE OF PROPOSED RATES OF POSTAGE ON PARCEL POST—Continued

Weight 1 pound and not exceeding (pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
36	115	220	255	315	400	490	605	710
37	120	225	260	320	410	500	620	725
38	120	225	265	325	420	510	635	740
39	125	230	270	335	425	525	645	760
40	125	235	275	340	435	535	660	775
41	125	240	280	345	445	545	675	790
42	130	245	280	350	455	555	690	810
43	130	245	285	360	460	570	705	825
44	135	250	290	365	470	580	715	840
45	135	255	295	370	480	590	730	855
46	135	260	300	375	490	600	745	870
47	140	260	305	385	495	610	760	890
48	140	265	310	390	505	625	775	905
49	145	270	315	395	515	635	785	920
50	145	275	320	405	520	645	800	935
51	145	275	325	410	530	655	815	950
52	150	280	330	415	540	665	825	970
53	150	285	335	420	545	680	840	985
54	155	285	340	430	555	690	855	1000
55	155	290	345	435	565	700	865	1015
56	155	295	350	440	570	710	880	1030
57	160	295	355	450	580	720	890	1050
58	160	300	360	455	590	735	905	1065
59	165	305	360	460	595	745	920	1080
60	165	305	365	465	605	755	930	1095
61	165	310	370	475	610	765	945	1110
62	170	310	375	480	620	775	955	1130
63	170	315	380	485	630	790	970	1145
64	175	320	385	490	635	800	985	1160
65	175	320	390	500	645	810	995	1175
66	175	325	395	505	650	820	1010	1190
67	180	330	400	510	660	830	1020	1210
68	180	330	405	515	670	845	1035	1225
69	185	335	410	520	675	855	1050	1240
70	185	340	415	530	685	865	1060	1255

Exceptions—a. Parcels weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

b. Gold mailed within Alaska or from Alaska to other States and U.S. possessions: 2 cents each ounce or fraction, regardless of distance.

SCHEDULE OF PROPOSED RATES OF POSTAGE ON CATALOGS AND SIMILAR PRINTED ADVERTISING MATTER [1]

BULK MAILINGS OF IDENTICAL PIECES IN QUANTITIES OF NOT LESS THAN 300 PIECES

Zones	Piece rate	Bulk pound rate
	Cents	*Cents*
Local	19	2.1
1 and 2	23	3.4
3	23	4.0
4	23	5.0
5	23	6.1
6	23	7.5
7	23	9.1
8	24	10.8

NOTE: The total charges for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.

INDIVIDUAL PIECE MAILINGS

Weight (pounds)	Zones							
	Local	1 and 2	3	4	5	6	7	8
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1.5	26	32	32	34	36	38	40	44
2	27	33	34	36	39	41	45	49
2.5	28	35	36	39	42	45	49	54
3	29	37	38	41	45	49	54	60
3.5	30	38	40	44	48	53	58	65
4	31	40	42	46	51	56	63	71
4.5	32	42	44	49	54	60	67	76
5	33	43	46	51	57	64	72	81
6	35	47	50	56	63	71	81	92
7	37	50	54	61	69	79	90	103
8	39	54	58	66	75	86	99	114
9	41	57	62	71	81	94	108	125
10	43	60	66	76	87	101	117	135

[1] In bound form, having 24 or more pages at least 22 of which are printed.

[F.R. Doc. 68-7707; Filed, June 26, 1968; 8:50 a.m.]

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Thursday, June 27, 1968 • Washington, D.C.

PART II

Department of Agriculture

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Consumer and Marketing Service

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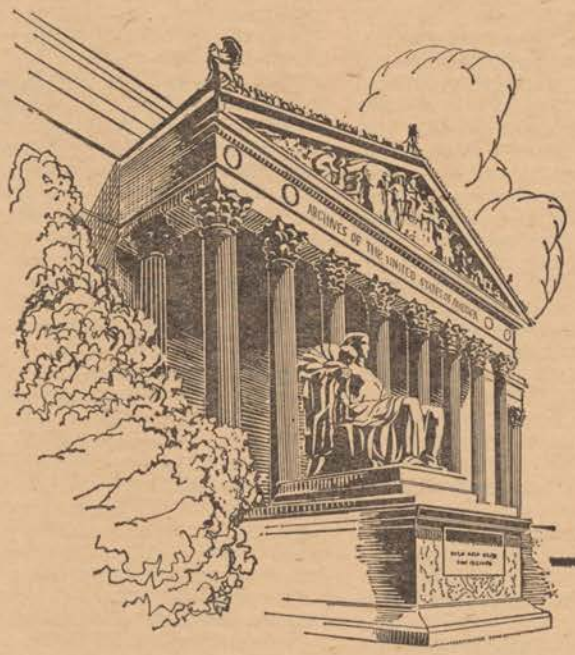
Cranberries Grown in Certain States



Recommended Decision

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

[Docket No. AO–341–A2]

CRANBERRIES GROWN IN CERTAIN STATES

Notice of Recommended Decision and Opportunity To File Exceptions With Respect to Proposed Amendment of the Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, hereinafter referred to collectively as the "order." The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act," and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions pursuant to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 15 days after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to the 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 public hearing on the record of which the recommended amendment of the order was formulated was held in Wareham, Mass., on February 5, in Moorestown, N.J., on February 7, in Wisconsin Rapids, Wis., on February 9, in Grayland, Wash., on February 13, 1968. Notice of the hearing was published in the FEDERAL REGISTER on January 9, 1968 (33 F.R. 283). The notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Cranberry Marketing Committee, the agency established pursuant to the order to administer the terms and provisions therof.

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) Establishing the need for, and amending the order to, include provisions for allocating the quantity of cranberries which handlers may purchase from, or handle on behalf of, producers;

(2) Definitions of the terms "base quantity," "marketable quantity," "annual allotment," and "established cranberry acreage";

(3) Establishing a representative period for the computation of producers' base quantities and providing for preliminary regulations;

(4) The method for alloting the quantity of cranberries which handlers may purchase from or handle on behalf of producers, including changes in the formulation of the marketing policy;

(5) Establishing provisions relating to the transfer of producers' base quantities;

(6) Changing the fiscal period, term of office, and nomination procedure;

(7) The timing of referenda relative to termination; and

(8) Making such changes in the order as are necessary to bring the entire order into conformity with any amendatory action resulting from the hearing.

Finding and conclusions. The finding and conclusions on the aforementioned material issues, all of which are based on the evidence at the hearing and the record thereof are as follows:

(1) The need for amending the order to include authority for the allocation of the quantity of cranberries which handlers may purchase from or handle on behalf of producers stems from accelerated plantings within the past few years and the adoption of better growing and harvesting methods by an increasing number of growers. As these recently planted acres attain production, the amount of cranberries available for market will be in excess of the demand at reasonable returns to growers. Reliable estimates indicate that recently planted acreage may total 2,000 to 3,000 acres of cranberries. The trend in the production of cranberries is upward. It is estimated that production in 1968 may total 1,613,000 barrels and may exceed 2 million barrels by 1972. The annual production averaged slightly over 1.3 million barrels during the period 1960–64. Annual production, during the most recent three seasons, has averaged nearly 1.5 million barrels. During this period sales of cranberries have increased. However, such sales have not kept pace with production. Consequently, carryover stocks of cranberries have increased rapidly. At the start of the 1967 season such stocks approximated 415,000 barrels—an amount considerably in excess of adequate carryover needs.

The adoption and development of better growing and harvesting practices will increase the available supply of cranberries and add to the problem of marketing the crop.

The production of large quantities of cranberries in excess of demand plus the existence of a burdensome carryover of supplies results in disorderly marketing and lower returns to growers. The current provisions in the order provide a means of dealing with this burdensome supply problem. It provides a method for limiting the total quantity of cranberries that can be disposed of in normal marketing channels. As production increases, growers and handlers will become more reluctant to recommend a sufficient set-aside to effectively deal with the problem. Producing and harvesting cranberries is a costly business. Thus, growers have a substantial investment in harvested cranberries. The only income realized from cranberries is from those which handlers market in normal marketing channels as most of the outlets available for the disposition of set-aside cranberries return nothing to the grower. Hence, in view of the production outlook, the industry should not be required to rely solely on existing order provisions to balance supply with demand.

The cranberry industry should benefit by having the authority to use producer allotments pursuant to section 8c(6)(B) of the act (7 U.S.C. 608c(6)(B)), and the industry should be given an opportunity to adopt such provisions. Pursuant to such authority, handlers would be limited in the quantity of cranberries which they may purchase from, or handle on behalf of, producers. The institution of such allocations would permit producers to more directly remove potential unmanageable excess from the cranberry supply at the most economical point—tailor production to the marketable quantity, or leave excess cranberries on the bog unharvested. Thus, the allotment program would be a more precise means to tailor supply to demand.

Actual establishment of the allotment provisions should be preceded by a period of preliminary regulation during which records pertaining to production and sales of growers would be assembled to provide a basis for computing growers' base quantities. Such records should be related to acreage planted prior to August 1, 1968. That acreage will probably produce a more than adequate quantity of cranberries to fill the expected market demands for the next few years. Orderly marketing could not be achieved if the program is operated in a manner that encourage additional plantings and surplus production. The period of preliminary regulation should begin on September 1, 1968, so that growers and handlers may know details of the program and be guided accordingly. To delay would result in plantings being made unabatedly throughout the industry. Production and sales from such plantings would further compound the oversupply problem.

The provisions of section 8c(6)(B) of the act should be applicable to all growers within the production area. Testimony was presented at the hearing indicating that some growers in some locations would prefer to remain outside the coverage of the allotment program or come under the provisions at a later date. If any area within the production area were not regulated, the order would be less effective and unfair because some growers would be able to expand their acreage and sell their entire production while the growers subject to the order could expect to sell only their proportionate share of the marketable quantity.

It is necessary for all growers within the production area to conform to the allotment provisions because cranberries throughout the production area compete in the market place. There is a commingling of cranberries between areas, whether for use as fresh and/or manufacturing into products. A grower does not know where his fruit will be shipped or for what purpose it may be used by the handler. Cranberries produced in Massachusetts may be shipped to Wisconsin for blending to enhance the color of juice products. Cranberries produced in Wisconsin may be shipped to Massachusetts for blending with dark red fruit to stabilize the color of the processed product. Thus, the allotment provisions which will be applicable to the entire production area will not operate in favor of one State or locality to the detriment of another State or locality.

Concern was expressed and modifications were offered with respect to timing of the allotment program. It was maintained that August 1, 1968, allowed insufficient time for growers to plant additional acreage or renovate old bogs in their possession. The proposed modifications to extend the August 1, 1968, deadline ranged from 3 months to 3 years. There is also testimony in the record to the effect that an allotment program would prevent small growers from expanding and it would prevent new growers from entering the cranberry business. It was suggested that small growers should have sufficient time to acquire and develop acreage, which would be an economic unit. An economic unit for a grower in Wisconsin was suggested to be 40 acres and 20 acres in Washington State. However, there were no criteria listed by which it could be determined what constituted an economic unit. Neither was there a time limit proposed by which small growers should complete planting. In view of the fact that approximately half of the growers presently have less than the aforementioned acreage, it would seriously disrupt the operation of the program if each such grower were allowed to increase his acreage and production as aforesaid.

A modification was offered to change the representative period, after the initial base quantities have been established, to the most recent 6-year period. Beginning with the 1977 crop year and each third year thereafter, the committee would review each grower's sales record, and adjust his base quantity to reflect his sales performance during the most recent 6-year period. Such new base quantity would be equal to the average sales of the 2 years within this 6-year period during which his greatest sales were made. Testimony in support of this modification indicated that the maintenance of each grower's base quantity in relation to his sales during the most recent 6-year period would keep each grower's performance in proper perspective, and would recognize in the form of increased base quantities those growers who increase their yields over the years. It was proposed to also reduce the base quantities of those growers not maintaining their production and sales. The 2 years during which the greatest sales were made within the most recent 6-year period would be used to determine each new base quantity. Also, only the sales from cranberry acreage established prior to August 1, 1968, would be used in the determination of all new base quantities.

This modification indicated that all growers who produce and sell cranberries in amounts less than their annual allotments would have their base quantities reduced to coincide with sales. Under the allotment provisions there is no basis whereby handlers, under the terms of the amended marketing order, could purchase from, or handle on behalf of, growers a quantity of cranberries in excess of their annual allotment. Because handlers would be prevented from purchasing from or handling for the account of growers, any cranberries in excess of the grower's proportionate share, there is no basis whereby any base quantity could be increased as a result of excessive production. Under the terms of the proposed modification, the base quantities for growers who produced and sold less than their base quantities could be reduced to the level of current sales, but no grower could have his base increased because sales of excessive quantities of fruit would not be permitted. The modification should not be adopted because operation under it would result in the total of all base quantities being reduced to an amount which would be less than the quantity of cranberries needed to satisfy market demand.

(2) The order should contain a definition of each of the terms listed below to establish the meaning of such terms whenever they are used in the order.

A new section, § 929.13, should be added to the order to define the term "base quantity" to mean the number of pounds of cranberries established for a grower by the committee pursuant to § 929.48. Another new section, § 929.14, should be added to the order to define the term "marketable quantity" to mean for a crop year the number of pounds of cranberries necessary to meet the total market demand and to provide for an adequate carryover.

A new section, § 929.15, should be added to the order to define the term "annual allotment" to mean for a grower in a particular crop year a quantity equivalent to the number of pounds of cranberries determined by multiplying the base quantity of such grower by the allotment percentage established pursuant to § 929.49 for each crop year. Another new section, § 929.16, should be added to the order to define the term "established cranberry acreage" to mean acreage which is presently producing cranberries on a commercial basis or acreage which has been recently planted or will be planted prior to August 1, 1968, to produce cranberries on a commercial basis.

For further clarification of established cranberry acreage, a bog must have (1) produced a commercial crop of cranberries which was harvested and sold at least once during the crop years 1965–66 through 1967–68; (2) produced a crop averaging at least 15 barrels per acre; or (3) a sufficient population of vines so as to indicate its ability to produce a commercial cranberry crop. The definition of the term makes it clear what sales of cranberries will be excluded from such computation. Within the production area there are a considerable number of cranberry acres which have been abandoned, some for a long time. Such bogs in their present condition would not come within the definition of established cranberry acreage and the production therefrom should not be included in growers' sales used in computing the base quantity. Such bog may, however, be renovated. If renovation is completed prior to August 1, 1968, the sales from such acreage should be used in the calculation of growers' base quantities.

(3) It is necessary to establish a representative period to have a basis for determining the base quantities for the growers. The act provides that the quantity which handlers may purchase from or handle on behalf of any grower should be based on the amounts sold by such growers in such prior periods as the Secretary determines to be representative or upon the current quantities available for sale by such growers. In the case of cranberries the quantity permitted to be handled should be based on the amounts sold during a representative period.

If the Secretary in 1974 makes an appropriate finding, the representative period will be a 6-year period. It would start September 1, 1968, and end August 31, 1974. The beginning date of September 1, 1968, is fair and equitable to all growers. The date coincides with the beginning date of the next crop year. Records pertaining to such crop will normally show the starting date of September 1. Also, in many instances, the harvesting of the crop and the subsequent sales therefrom will begin soon after that date.

The representative period should extend through six crop years. A lesser period would not be equitable to all growers and a longer period would serve no useful purpose. It would only delay the start of the program. Acreage planted to cranberries generally produces some cranberries during the fourth season. Thus, with a representative period consisting of 6 crop years, growers of newly planted acreage and growers with acres upon which major renovation has been completed would have adequate time to produce two commercial crops from such acreage. A representative period of 6 years is also desirable for growers who have producing acreage. The production area extends from the Atlantic to the Pacific. Bogs throughout the production area may suffer crop failure or damage due to spring and fall frosts, floods, drought, insect infestations, or disease. Notwithstanding these conditions, each such grower should reasonably be expected to have 2 good years in terms of production and sales within the 6-year period. Producer sales made during the 2

years within the representative period during which the growers greatest sales were made will be used except as hereinafter indicated in determining his base quantity. Thus, a representative period consisting of 6 crop years will provide all growers an opportunity to produce and sell two commercial crops of cranberries. A shorter period may not provide this opportunity to all growers.

During the representative period, it may be necessary to use the set aside provisions of the order in an attempt to balance the supply to the demand. Should such be done, the problem arises as to how to credit growers' sales during such periods. For the purposes of the allotment program, grower sales shall be deemed to have been made when agreement is reached between the grower and handler. Under the set aside provisions of the order, each handler is required to withhold from handling a portion of the cranberries he acquires (acquires means to obtain cranberries by purchase or other means). Assume for illustrative purposes only, that the Secretary for a given year has fixed the free and restrictive percentages at 85 percent and 15 percent, respectively. Assume further that grower A sells and delivers a total of 500 barrels of cranberries to handler B within the year, the 500-barrel sales will be the sales record of such grower and will be used in the computation of his base quantity.

During the representative period only preliminary regulations would be in effect under the grower allotment provisions. It would be during this period that growers will establish sales records from their production. Also, during this period, the committee will accumulate information for use in computing the base quantities of growers. Under the preliminary regulations, the only restrictions that would be placed on handlers would be that each handler ascertain the identity of the grower and the quantity of cranberries attributed to such grower, and file necessary reports to the committee. The handlers are the entities who can best furnish data as to the quantity of cranberries purchased from, or handled on behalf of, growers and other sales data. The handler should furnish this information and such additional information as may be necessary to the committee, to enable it to perform its duties. The committee should specify the time for filing such information by the handlers and provide forms for such filing.

During the representative period, growers should be asked to file certain information with the committee. The committee will need to know the total yearly sales made by each grower, the exact location, and size of the bog on which the cranberries were produced and whether such acreage was planted prior to August 1, 1968. This information may be obtained by requesting each grower to file with the committee certified reports listing, among other things, the following: (1) The amount of acreage as of August 1, 1968, and the production and sales from such acreage; (2) nonproducing acreage, if any, as of August 1, 1968; (3) lease arrangements, if any; (4) name and address of the handler who will handle the cranberries if known; and (5) such other information as the committee may need to perform its duties. Without this information, it would be difficult to determine an equitable base quantity for the growers. By having both the grower and handler file reports with respect to the same cranberries, the committee can readily check one report against the other for accuracy. Of course, all such reports should agree in every respect. Any discrepancies should be investigated promptly by the committee. The committee should have authority to verify reports of growers and handlers and verify the acreage attributed to growers. Even though the restrictions will be on the handler and not on the grower, it is only good business to require each grower to qualify for a base quantity. Qualification for a base quantity may be accomplished by filing the aforesaid information with the committee.

Under present methods of marketing cranberries, some cranberries are stored prior to use. Cranberries are stored in the chaff, and the quantity of cranberries within the lot has not been determined when the cranberries are placed in storage. Such determination generally is made when the cranberries are taken out of storage. Thus, it is necessary to adjust the net weight, determined after storage, to the net weight that would have been obtained had the determination been made at the time of delivery. This would recognize the fact that during the storage period there is a loss in weight due to shrinkage. It is necessary to give such credit to growers whose cranberries are stored and suffer loss through shrinkage to place those sales on an equal weight basis with cranberries which are used promptly following harvest and are not subject to loss in weight due to shrinkage. Handlers have developed a method for determining the allowance for shrinkage. This method in use should be continued. However, if it is found that the present shrinkage allowance results in inequities or if a better method were found, the committee should, through procedural rules, approved by the Secretary, adopt methods for determining the shrinkage allowance for cranberries.

(4) As soon as practicable after the growers' sales records during the representative period are available, the Secretary should announce whether the allotment provisions may be used to balance the cranberry supply with demand. If he finds that, beginning in 1974, the provisions of the producer allotment program will tend to effectuate the declared policy of the act, and that the 6 crop years 1968–69 through 1973–74 constitute a representative period, the program could be placed in effect. The Secretary would have all the necessary information available so that he could make the announcement before March 1, 1974. The growers and handlers will want to know at an early date whether or not the program will become operative so they can adjust their operations accordingly. The committee will need this information promptly so that it can compute a base quantity for each grower prior to May 1, 1974, should there be a need to do so.

Should the Secretary find that the 6 crop years 1968–69 through 1973–74 do not constitute a representative period, conditions within the industry would probably be so different from those presently anticipated that the program, in the present form, would probably not be appropriate or workable. Under such circumstances, the Secretary would take whatever action he deemed appropriate. In all probability he would ask the committee to make a recommendation in the matter. Such recommendation may include a request that a hearing be held to obtain up-to-date information on a new or modified producer allotment program.

On the basis of growers' sales records for each year during the aforesaid representative period, the committee will compute a base quantity for each grower. It is necessary to clearly set forth in the order those sales which will be used in the computation of the base quantity. Except as hereinafter set forth, only those sales of cranberries from acreage established prior to August 1, 1968, should be used. Also, only the sales of cranberries from bogs falling within the meaning of established acreage should be used. August 1, 1968, is a fair and equitable date. It provides a definite date for determining whether certain sales of cranberries will be eligible for use in the computation of base quantities. This date has been widely discussed throughout the industry. It was contained in the notice of hearing which was published on January 9, 1968. The hearing was held beginning on February 5, 1968, and concluded on February 13, 1968. Approximately 6 months from the opening of the hearing until August 1, 1968, is provided for growers who are in the process of planting to complete the operation. It also affords opportunity for growers to plant bogs even though no work was done prior to February 13, 1968, as it is possible to start and complete the planting of a bog within the period February 13 to August 1, 1968. Thus, an opportunity has been afforded all present growers and others not presently growers to plant acreage so that the sales therefrom may be eligible for use in determining the base quantity.

The date August 1, 1968, is not a restriction on the planting of new or additional cranberry acreage. All growers are free to plant whatever acreage they choose to plant. This date merely delineates which sales will be used for base quantity determinations.

To fix a date beyond August 1, 1968, could result in plantings being made which would seriously interfere with the objectives of the program. On the basis hereinbefore set forth, and except as hereinafter provided only the sales from cranberry acreage established prior to August 1, 1968, should be used in the determination of growers' base quantities.

There may be persons who, prior to June 21, 1968, have made firm and substantial financial commitments for the production of cranberries. Some of such persons may not complete the plantings in connection with these commitments prior to the August 1, 1968, deadline. Such persons could not have base quantities determined from sales made during the representative period from cranberry acreage established prior to August 1, 1968 for such acreage.

The base quantity if issued on the basis of such sales would not recognize or be representative of such commitments. Many of these commitments may represent the culmination of a long time ambition and substantial financial expenditures. Without relief, a base quantity could not be assigned to growers if the acreage involved in the commitment was planted after August 1, 1968. As a matter of equity, the order should contain provisions whereby growers in such situations may request the committee to issue or adjust the base quantity for each such grower on the basis of such commitments. For the same reason, the provisions should not be applicable to any grower who has made or may make any commitment after June 21, 1968.

So as not to unduly interfere with the operation of the program, the order should require all plantings to be completed by a specific time, or allow only the sales made within a specified period to be used in computation of base quantities. In this program, the latter method should be used. As heretofore stated, it is possible to start and complete the planting of a bog within 1 year. On this basis, such growers could reasonably be expected to produce at least one commercial crop of cranberries before the end of the representative period. In such situations, there would be available to the committee records of sales from such acreage for at least 1 crop year within the representative period. The order should permit the committee to issue or adjust the base quantity, as the case may be, on the basis of the sales records available even though such records may reflect only 1 years' sales. If any grower thinks he should be issued a base quantity or that his base quantity should be adjusted in the light of commitments made by him, he should offer proof of such commitments and file an application for issuance or adjustment of the base quantity with the committee. The application for issuance or adjustment should provide the committee with full details so that it may reach a decision that will be fair and equitable. The application should, among other things, list:

(1) A copy of the contract or other legal instrument upon which proof of commitment is based;

(2) The date the property was acquired;

(3) Type and amount of improvement needed;

(4) What actions have been completed;

(5) What actions remain to be done;

(6) Expenditures to date;

(7) Additional expenditures anticipated;

(8) Date planting of all acreage involved in commitment is expected to be completed;

(9) The crop year first harvest of cranberries for such acreage is expected;

(10) Alternate uses for the acreage;

(11) Reasons why plantings could not be completed by August 1, 1968; and,

(12) Any other pertinent factors or information.

The order should require the committee to promptly consider each such request, and, if the facts warrant, assign or adjust the base quantity so as to be equitable. The order should provide that the committee submit to the Secretary for his approval, rules and regulations governing committee procedure in such matters. All consideration of adjustment in or pertaining to new base quantities shall be subject to review by the Secretary.

The order should require the committee to proceed with the computation of base quantities for growers as soon as practicable after the Secretary announces his findings. The finding shall indicate whether the proposed program will tend to effectuate the declared policy of the act; and whether the 6 crop years 1968–69 through 1973–74 constitute a representative period. This computation should be completed and the results made known to the respective growers not later than May 1, 1974. This date coincides with the date by which the committee must estimate the marketable quantity for the following crop year. The date also coincides with the date when the committee will be required, by order provisions, to issue the initial annual allotment is case there is a marketable quantity established and an allotment percent in effect for the 1974–75 season.

There are sales of cranberry acreage from time to time within the production area. Some sales are of the growers' entire holdings. In other instances, only a portion of his holdings may be sold. In cases involving the sale of only a portion of the acreage during the representative period, both parties should notify the committee, in writing, of such transactions, including the amount of sales attributed to each portion of the divided bog.

When the entire bog is sold within the representative period, the complete record of sales made within such period should go with the property and be available to the new owner.

The grower of record as of February 1, 1974, would be issued the base quantity. Growers who obtain title to cranberry acreage subsequent to that date would obtain title to the base quantity by transfer from the grower of record to whom it was issued. Order provisions require the committee to compute a base quantity for each grower of record as of February 1, 1974. This is an appropriate date. It is chosen because it coincides with the date February 1, 1974, by which time each grower would have to file a report qualifying him for his initial annual allotment. By this date all records pertaining to grower sales during the 1973–74 crop year—the last crop year within the representative period—would be available to the committee. It is necessary to set forth a date for ascertaining the grower of record so the committee will know who should be issued the base quantity. Without a specific date, a person who currently is not a grower may be issued a base quantity because, at one time, he was a grower.

Even though the complete sales record for each season during the 6 crop years comprising the respresentative period will be furnished the committee except as hereinbefore discussed, only the sales made during the 2 years within the 6-year period during which his greatest sales were made should be used in the computation of the base quantity. The sales from these 2 years would provide an equitable sales record for all growers. Because production of cranberries varies from year to year, a 6-year period is necessary to reasonably assure that each grower will have at least 2 years of normal production. The use of the sales from his 2 best years should reflect his maximum capacity for cranberry production. The base quantity should be obtained by multiplying the number of acres attributed to the grower of record as of February 1, 1974, established prior to August 1, 1968, by his average per acre sales made from that acreage during the 2 years, within the 6-year period, during which his greatest sales were made. Assume for illustrative purposes only that a grower of record as of February 1, 1974, has 34 acres of cranberry bogs. Assume further, that his per acre sales were as follows:

1968–69	110 barrels (100 pounds of cranberries per barrel).
1969–70	80 barrels.
1970–71	120 barrels.
1971–72	75 barrels.
1972–73	92 barrels.
1973–74	105 barrels.

Such growers' base quantity would equal a quantity of cranberries equal to that obtained by multiplying his acreage (34) times the average of his per acre sales for the 2 best years (1968–69—110 barrels and 1970–71—120 barrels=115 barrels). Such base could be 34×115 or 3,910 barrels. The reference to per acre sales does not in any way imply that the base quantity is based upon acreage. The use of per acre sales times acreage provides a convenient method for arriving at an equitable base quantity for all growers. This method provides a simple and easy way for each grower to check the computation of his base quantity. The computation could be made in a different manner and produce the same results. Such computation would be more complicated, harder to make, and more difficult to understand.

Should a grower lose control of an established cranberry acreage due to unusual circumstances beyond his control, provisions should be made in the order to provide an opportunity for such grower to relocate his acreage. Unusual circumstances beyond the control of a grower shall include but not necessarily be limited to such factors as the exercise of any power of eminent domain, or the

loss of cranberry property due to weather such as a hurricane which causes flooding of the bog with salt water rendering it unfit, if so determined by the committee, for producing cranberries.

Before any grower would be permitted relief under the provision, he must prove to the committee that (1) he has lost acreage due to unusual circumstances of a nature which qualifies him for relief; (2) that said acreage is in fact lost and will not be used to produce cranberries during the representative period the sales of which may be used in the computation of producers' base quantities; and (3) that sales of cranberries from the replacement acreage will not exceed the quantity which would have been produced from the acreage lost. A grower who so loses his acreage should be permitted the opportunity to qualify for a base quantity in an amount equal to the base quantity he would have earned had he not lost his acreage. It is recognized that there generally are problems peculiar to such situations that are not encountered in the normal buying and selling of cranberry property. It may take considerable time to find and purchase suitable property to replace acreage lost, and the order should allow sufficient time to do this. A period of 4 years is provided. This period should be ample. In most instances considerably less time will be required for relocating. Within this 4-year period, the grower should be required to relocate the property and notify the committee. Therefore, any grower, to be eligible for a base quantity, should be required to relocate his acreage within the 4-year period and to give notice to the committee. Some growers may decide not to reenter the cranberry business. The committee will need to know this information in order to perform its duties in a business like manner.

The period during which such loss of cranberry acreage occurred should not only include all acreage lost during the representative period but also cover those growers who lost cranberry acreage within the period January 1, 1966, through August 31, 1968. This would only be fair and equitable on the basis that it generally requires a considerable amount of time to find suitable cranberry acreage under such circumstances.

It will be necessary for the grower to notify the committee of the location and acreage of the relocated bog before the committee can proceed with the computation of a base quantity. This information will permit the committee to verify the acreage reported and use such verified acreage as necessary in computing the base quantity for growers who lost acreage. The committee will consider all factors relevant and necessary to arrive at an equitable base. The committee will want to consider, among others, the following factors: (1) The prior crop record of the acreage lost; (2) the potential for increased production on that acreage throughout the representative period; (3) the production attained from like acreage in the area of relocation and (4) any other relevant factors.

The committee shall compute the base quantity for growers authorized to relocate their acreage at the same time it computes the base quantity for all other growers.

The cranberry industry is a growing industry. The grower allotment program will permit it to continue to grow, and in an orderly manner. To do this the total of all growers' base quantities should equal or be greater than the marketable quantity. It is not known what the total of all base quantities will be in 1974. Neither is the marketable quantity needed in 1974 known. It is, however, expected that the total of all growers' base quantities will be greater than the market demand in 1974. Because of the aforesaid uncertainties, and the anticipated increases in demand, the order should require the committee to consider the need for granting additional base quantities beginning with the 1974–75 crop year. It should consider the need each crop year thereafter. When the committee considers this need, it will be necessary to project the market demand at least 4 years hence because it takes 4 years for cranberry acreage to come into production after it is planted. The reason for granting additional base quantities will be to make available a sufficient quantity of cranberries to satisfy the market demand. The additional base quantities issued should be apportioned to all persons who may want to produce cranberries including both existing and prospective growers. So the committee may know the persons who are interested in becoming cranberry growers, it may require that any such person file an application with the committee requesting that he be issued a base quantity. The committee in considering any such request, will want to know the location where such person plans to produce cranberries, the condition of the acreage, the amount of time anticipated that will be necessary to bring the acreage into production, and any other information that may be necessary for the committee to reach a decision on this matter. Since it is not known when it may be necessary to issue additional base quantities or the problems likely to be faced in apportioning such base quantities, it is not desirable to set forth the procedure for issuing base quantities in the order. Rather, the committee should adopt rules and regulations, approved by the Secretary, governing the allocation of additional base quantities to existing growers and persons desiring to become growers.

A new § 929.49 *Marketable quantity, allotment percentage, and annual allotment,* should be added to the order. Such section should provide that beginning with the crop year in which base quantities are first established for growers, and annually thereafter if the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of cranberries that handlers may purchase from, or handle on behalf of, growers during the ensuing crop year would tend to effectuate the declared policy of the act, he shall determine the marketable quantity and establish an allotment percentage for such crop year. It should provide further that the allotment percentage shall be determined by dividing the marketable quantity by the total of all producer base quantities. These provisions are required in the order to provide a satisfactory procedure for alloting the quantity of cranberries that a handler can purchase from or handle on behalf of producers. The marketable quantity should be estimated by the committee and should be the total quantity of cranberries which can be expected to be marketed in normal channels within the ensuing crop year and also the amount necessary and desirable to have available at the start of the next season. The committee can make such a projection using past sales records and current demand as a guide for such estimate.

This determination should be a required function of the committee along with the other factors set forth in its marketing policy. It is desirable for this determination to be made prior to May 1 of each year. Such date coincides with the May 1 date by which the grower's allotment must be issued. It would not be feasible to issue the annual allotment without first knowing what the marketable quantity should be. After the marketable quantity has been estimated, the next function in sequence is the establishment of the allotment percentage. It follows that the Secretary should perform this function. The allotment percentage should equal the marketable quantity divided by the total of all growers' base quantities. Such percentage figure can then be used to determine what each grower's share will be. This is accomplished by multiplying each grower's base quantity by the allotment percentage.

The order requires the committee to issue to each grower on or before May 1 of such year an annual allotment. So that the committee will know whether the grower intends to produce cranberries during the next season, the order should require each grower to qualify for his annual allotment by February 1 of such year. This could be done by filing a form with the committee. The information to be submitted should include information as to the location of the bog where he will produce cranberries, the acreage he intends to harvest, changes in location if there have been any, and any other information needed by the committee to administer the program. If the grower is not the owner of the land, he should provide a copy of any lease agreement so as to assist the committee in determining the grower of record. In order to provide ample time for the committee to carry out the required functions of the program by the dates established in the order, each grower should qualify by February 1 of each year. It is anticipated that the committee will provide the necessary forms to each grower sufficiently early each season so that the forms may be completed and returned prior to February 1. Thus, the February 1 deadline poses no special problem to growers and they can readily and easily

comply with the qualifying requirements by such date. If the grower does not file the required information with the committee by the time specified, it may be concluded that he does not intend to produce cranberries and does not need or want an annual allotment for the next season.

Under the program, handlers would be restricted as to the amount of cranberries which may be purchased from each grower. The order should require handlers to comply with the grower allotment provisions by specifying the quantity of cranberries that handlers can purchase from or handle for each grower's account. This can be accomplished by setting forth the requirement that no handler shall purchase from or handle on behalf of any grower cranberries not within such grower's annual allotment. A handler can readily determine whether he is in compliance. Before purchasing cranberries or handling cranberries for growers' accounts, each handler should require each grower to submit his certificate of annual allotment. The handler could obtain information as to other handlers who are handling such grower's production. He could also obtain information showing the total quantity of such grower's production that has been sold to date to all handlers. It will be each handler's responsibility to limit the quantity he purchases from or handles on behalf of any grower to the amount covered by said grower's annual allotment. Any amounts purchased from or handled on behalf of any grower which are in excess of such grower's allotment would place the handler in violation of the order.

As heretofore stated, the production of cranberries is subject to many hazards. These hazards may affect total production at any time throughout the season. Many of them occur during the spring and fall months, often after the committee has made its estimate of the total marketable quantity. For these and other reasons, the production of cranberries cannot be predicted with certainty. For the same reasons, sales may not exceed the market demand every year. The order requires the committee to estimate the total marketable quantity prior to May 1 of each year. The next season's crop can only be estimated at that time in a very preliminary way. The order should provide a basis whereby adjustments may be made when production is lower than anticipated or below market demands. This could be accomplished by authorizing the committee to recommend, and the Secretary to suspend or increase the allotment percentage previously fixed for the season so that a larger percent or all the production could be marketed. Likewise, conditions may change resulting in an increased demand for cranberries. New products may be developed or new uses stressed for established products. The order should provide a basis so the increased market demand may be satisfied. This could be accomplished by providing authority for the committee to recommend and the Secretary to establish a new marketable quantity in a greater amount than the quantity previously established.

Because of the uncertainties encountered in the production of cranberries, some growers may suffer some misfortune and not be able to produce their annual allotments. Other growers may be more fortunate, enjoy better growing conditions, and produce in excess of their annual allotments. If the grower whose production was less than his quota could only sell his production, and the grower whose production exceeded his quota could only sell his quota, the market demand could exceed the amounts available for sale. This would stifle the industry in that it would tend to prevent growth. In order to insure, insofar as possible, that the total market quantity will be available, the order should permit growers who produced less than their allotment to acquire additional cranberries from growers who have a surplus quantity of cranberries. Instead of so acquiring such cranberries, a grower, who did not produce cranberries equal to his annual allotment, may prefer to transfer all or a portion of his unused allotment to the grower who produced cranberries in excess of his allotment, and the order should permit him to do so. Such action should be contingent upon each such growth furnishing a full and complete report to the committee. The report should include the names of the parties, the quantity involved in the transaction and such other information as may be necessary.

A third method of filling deficiencies should be permitted by order provisions. This method would permit growers to contract with handlers to perform this service for them. This contractual arrangement should be available to growers affiliated with a cooperative marketing organization as well as growers not so affiliated. The contract between the grower and handler would specifically authorize the handler to act for him in filling deficiencies of growers in either or both of the two methods discussed above. For example, a grower who had signed such a contract with his handler might find, upon completing his harvesting, that his production was 200 barrels less than his annual allotment. Another grower who had signed a like contract with the same handler might find, upon completing his harvesting, that his production exceeded his annual allotment by 250 barrels. Under this situation, the handler could transfer 200 barrels of the latter grower's production to fill the deficit of production of the first mentioned grower. All such actions must be fully documented and a report provided to the committee.

In addition to the other records, required, each handler participating in the transfer of allotment provisions between growers, should maintain complete records of all transfer actions. Such records should show the name and address of the lender, the name and address of the lendee, the quantity of cranberries involved in the transfer, and each grower's annual allotment. Such records should be submitted to the committee, upon request, or maintained so they can be examined by the committee. The committee must have authority to examine these records to ascertain whether such transfer have been made in accordance with order provisions and whether a transfer causes any grower to exceed his annual allotment. Copies of the contract authorizing the handler to participate in such transfers should also be kept available for examination by the committee or furnished to the committee upon request.

The committee should be fully informed of all transfers in connection with filling deficits so that the committee may keep its records accurate and have knowledge as to whether such transfers were proper.

Some growers may not wish to sign a contract with a handler with respect to deficiencies, and they should not be required by order provisions to do so. As previously discussed, it is desirable that the entire market demand for cranberries be satisfied. Since some growers will produce less than their annual allotment and other growers may produce more than their annual allotment, it is desirable that a clearinghouse be provided in which these growers can get together if they so desire. The committee could provide such a clearinghouse. Accordingly, any grower or handler with a deficiency should notify the committee of such deficiency. The committee could provide information with respect to growers wanting to loan and growers wanting to borrow allotments to correct deficiencies or overproduction. Such arrangement should materially assist in bringing the two parties together. The committee should not be required to inform all growers and handlers of persons wanting to loan or wanting to borrow an allotment. Some growers would have no need for this information. To provide the information to all growers and handlers would serve no useful purpose. It would also be expensive. If a grower or handler has need of this information, he can request it from the committee. Accordingly, the committee should provide the information only to those growers and handlers who request it.

The committee will be required to make many determinations and computations in connection with the administration of the program. While it is expected that all such determinations and calculations will be accurate and fair and equitable to all concerned, there may be errors in such computations or determinations. Accordingly, it would be desirable to provide a procedure whereby any grower who is dissatisfied with his base quantity or any other determination in connection therewith made by the committee may request the committee to review such determination. Any grower requesting a review should submit his request promptly. He should also submit the basis for the review together with all the facts pertaining thereto. The committee should consider such request promptly and in accordance with applicable rules and

regulations issued by the Secretary on the basis of the committee recommendation or other available information. The committee should notify the grower of its determination in connection therewith. If the grower is still not satisfied, he may appeal to the Secretary, through the committee. Such request should be forwarded promptly by the committee together with all the available information. The Secretary will then issue a ruling, which ruling shall be final.

(5) A new section, § 929.50, should be added to the order. This section would authorize, under the conditions hereinafter set forth, the transfer of base quantities to other growers.

The notice of hearing contained a proposal with respect to transfers which would have required the approval of the owner of the land upon which the cranberries are produced before a tenant grower could effect a transfer of his base quantity, after the representative period, either of location or to another grower. There are some cranberries that are produced by one person on land owned by another. There also are changes in such relationship. Some owners may sell the land. Some lessees may decide to no longer produce cranberries. Other growers may decide to lease new or different acreage. Record evidence in modification of this proposal stressed the importance of a binding agreement between the parties—the lessee and the lessor—which should clearly set forth the party to whom the base quantity should run. This could be accomplished through the lease or by amendment to it, or by separate agreement. The committee must be provided with a copy of such contract so that the base quantity can be assigned in accordance with its terms.

In the absence of an agreement between the lessee and the lessor, the order should provide a method for distribution of the base quantity, when there is change in the relationship. The assignment of the base quantity as follows would be fair and equitable: If the owner has taken over the farming of the bog and becomes the producer, the base quantity should be assigned to him; if the owner arranges for another person to operate the bog, such person becomes the producer and the base quantity should be assigned to him; if the owner lets the bog on a share rental basis, both become producers and the base quantity should be assigned to both either jointly or in proportion to their respective shares as set forth in the contract. Accordingly, this proposal as modified should be included in the order.

The notice also contained a proposal which would have recognized a transfer to another grower only upon the transferee submitting evidence of capability to produce and harvest the annual base quantity. This proposal was not supported at the hearing and is not included in the amendment.

(6) The "fiscal period" which is synonymous with "fiscal year" should be redefined to mean a 12-month period beginning on September 1 of 1 year and ending on August 31 of the following year. The term "crop year" should be added and should be synonymous with "fiscal period" and "fiscal year." It is appropriate to add the term "crop year" since the term is commonly used throughout the industry and is used extensively in the allotment program. The 12-month period beginning September 1 is the period that the industry refers to as a crop year as harvesting of cranberries usually starts early in September. The new fiscal period would be more appropriate in the operation of the program as the USDA crop report estimating the total U.S. production of cranberries is then available. This crop report is used by the committee in preparing its marketing policy and it will be used under the allotment program when the committee, generally early in September, will review its marketing policy. This new period will also be more meaningful in the industry as the carryover of cranberries from the previous year is based on stocks on hand as of September 1. Also, other records, including the closing date of grower's pools, use this period. The new period will also coincide with the same date that is proposed for the term of office for committee members. A modification of the proposed fiscal period was made to have such period begin December 1 of 1 year through November 30 of the following year. However, no evidence was submitted to show that the proposed modification would be more applicable or beneficial than the proposed fiscal period.

Section 929.21 *Term of office* should be changed from beginning on August 1 and ending on July 31, to beginning on September 1 and ending on August 31. This change would enable the committee members and their alternates to be serving their terms of office during the same period of time as proposed for the fiscal period.

The July 15 date, which is currently the latest date for submitting the names and addresses of nominees for membership on the committee to the Secretary, should be changed to July 1. It is anticipated that the committee's nomination meetings will be held early in the month of June and always in advance of July 1. By changing the date, sufficient time will still be provided for the election of committee members and their alternates. The new date allows the Secretary more time to complete appointment procedure for the newly elected members and alternates. It is very desirable that the new committee be appointed and the members file their acceptance at or prior to the September 1 meeting, which is the beginning of the new fiscal period.

(7) A revision of provision (d) § 929.68 *Termination* should be made to require the Secretary to conduct a referendum during the month of May 1975 to ascertain whether continuance of the order is favored by the growers of cranberries. Currently, the order requires the Secretary to hold a referendum during the month of May of each even numbered year beginning with 1964.

The amendment should provide that the Secretary conduct a referendum during May 1975 and during the same month every fourth year thereafter. Thus, under the terms of the amended order, there would be no mandatory referenda conducted after 1968 until 1975, because during the period (1968–74) only preliminary regulations would be in effect under the allotment program. The record supports May 1975 as the period in which to hold such referendum. Inasmuch as this constitutes the first year that growers may be under regulations of the proposed allotment program, no useful purpose would be served by holding a referendum prior to that date. If a referendum were held more frequently than at 4-year intervals, no useful purpose would be served since the Secretary can hold a referendum pursuant to paragraph (c) of this section whenever he desires and he can terminate the order whenever he finds that a majority of the growers do not favor continuance.

(8) Conforming changes, as necessary, have been included in the foregoing material.

Rulings on proposed findings and conclusions. March 15, 1968, was fixed as the latest date for the filing of proposed findings and conclusions, and written arguments or briefs based upon the evidence received at the hearing. Briefs were filed by Francis W. Perry, Duxbury, Mass., and by Lawton and Cates, Attorneys for and on behalf of Cranberry Products, Inc., Eagle River, Wis., Calvin LaPorte, Manitowish Waters, Wis., and R. C. Roemer, Manitowish Waters, Wis.

One brief contended that there was no need for the proposed program. It also contended that if the program were to be adopted, it should be modified in several respects.

The other brief was in opposition to the proposed program.

Each point included in the briefs was fully and carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings or conclusions contained in either of the briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

General findings. (1) The marketing agreement, as amended, and order, as amended, and as hereby proposed to be further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and order, as amended, and as hereby proposed to be further amended, regulates the handling of cranberries grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and order, as amended, and as hereby proposed to be further amended, is limited in application to the smallest

regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cranberries grown in the production area which make necessary different terms applicable to different parts of such area; and

(5) All handling of cranberries grown in the production area, as defined in the marketing agreement, as amended, and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following further amendment of the cranberry order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 929.6 is revised to read as follows:

§ 929.6 Fiscal period.

"Fiscal period" is synonymous with "fiscal year" and "crop year" and means the 12-month period beginning September 1 of 1 year and ending August 31 of the following year.

2. A new § 929.13 is added reading as follows:

§ 929.13 Base quantity.

"Base quantity" means the number of pounds of cranberries established for a grower by the committee pursuant to § 929.48.

3. A new § 929.14 is added reading as follows:

§ 929.14 Marketable quantity.

"Marketable quantity" means for a crop year the number of pounds of cranberries necessary to meet the total market demand and to provide for an adequate carryover.

4. A new § 929.15 is added reading as follows:

§ 929.15 Annual allotment.

"Annual allotment" means for a grower in a particular crop year a quantity equivalent to the number of pounds of cranberries determined by multiplying the base quantity of such grower by the allotment percentage established pursuant to § 929.49 for such crop year.

5. A new § 929.16 is added reading as follows:

§ 929.16 Established cranberry acreage.

"Established cranberry acreage" means acreage which is presently producing cranberries on a commercial basis or acreage which has been recently planted or will be planted prior to August 1, 1968, to produce cranberries on a commercial basis.

6. Section 929.21 is amended to read as follows:

§ 929.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning September 1 and ending on the second succeeding August 31. * * *

7. Section 929.22 is amended to read as follows:

§ 929.22 Nomination.

* * * * *

(b) *Successor members.* (1) * * * The names ad addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year.

(2) * * * The names and addresses of such nominees shall be submitted to the Secretary not later than July 1 of each even-numbered year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

* * * * *

8. Section 929.50 is redesignated as § 929.46 and revised to read as follows:

§ 929.46 Marketing policy.

* * * * *

(a) Each year prior to May 1 the committee shall estimate the marketable quantity for the following crop year.

(b) Each crop year prior to making any recommendations pursuant to subparagraphs (7) and (8) of this paragraph or § 929.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the crop year. Such marketing policy shall contain the basis therefor and information relating to:

(1) The estimated total production of cranberries;

(2) The expected general quality of such cranberry production;

(3) The estimated carryover, as of September 1, of frozen cranberries and other cranberry products;

(4) The expected demand conditions for cranberries in different market outlets;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) The recommended desirable total marketable quantity of cranberries, including a recommended adequate carryover into the following crop year of frozen cranberries and other cranberry products;

(8) Regulation pursuant to § 929.52 expected to be recommended by the committee during the crop year together with its recommendations of the free and restricted percentages and beginning with 1974–75 crop year, the recommended allotment percentage, if any, for the crop year; and

(9) Other factors having a bearing on the marketing of cranberries.

9. A new § 929.47 is added reading as follows:

§ 929.47 Preliminary regulation.

(a) Beginning with the 1968–69 crop year, and continuing for each crop year thereafter through August 31, 1974, no handler shall handle, as the first handler thereof, cranberries purchased by him from a grower or acquired by him for handling for the account of a grower until he has determined the identity of the grower and the quantity of cranberries attributed to such grower. The handler shall furnish such information to the committee at such times and in such forms as the committee, with the approval of the Secretary, may request.

(b) So that each producer may qualify for a base quantity, pursuant to § 929.48, the committee shall furnish each producer early in each calendar year beginning in 1969, and as soon as practicable after the effect date of the amendment for the 1968 calendar year, a form to be filed with the committee whereon the producer reports the location of his bog(s), the acreage of cranberries he intends to harvest, and such other information as the committee needs to establish a base quantity for such producer.

10. A new § 929.48 is added reading as follows:

§ 929.48 Base quantities.

(a) *Determination of base quantities.* (1) If the Secretary finds that the grower allotment program will tend to effectuate the declared policy of the act and that the six crop years 1968–69 through 1973–74 constitute a representative period, he shall announce his findings by March 1, 1974. The basis for the findings with respect to the representative period shall be in terms of producer sales of cranberries from acreage established prior to August 1, 1968. Should the Secretary make the aforesaid finding, the committee shall compute a base quantity for each qualified grower. Such computation shall be made and the results thereof made known to each respective grower not later than May 1, 1974. The base quantity shall be, except as otherwise provided in this paragraph, a quantity of cranberries equal to that obtained by multiplying the grower's established cranberry acreage as of February 1, 1974, established prior to August 1, 1968, by his average per acre sales made from that acreage during the 2 years, within the 6-year period, during which his greatest sales were made: *Provided*, That if such acreage was not under the control of such grower during the entire period 1968–69 through 1973–74, the grower having control on February 1, 1974, shall be issued a base quantity on the basis of sales made from such acreage. Persons who, prior to June 21, 1968, had made firm and substantial commitments for the production of cranberries but who would have no base quantities as determined on representative period sales or whose base quantities would not be representative of such commitments, may file an application with the committee for adjustment of or a new base quantity. Accompanying the request, the person shall submit information to establish proof of commitment, and such other information as may be required to provide full details to the committee so it may reach a fair and equitable decision in this matter. Commitments made by each such person shall be finalized so

that any base quantity relating to such commitments will reflect only the sales made from such acreage during the representative period. The committee shall, by rules and regulations approved by the Secretary, consider each such request, and, if appropriate, provide for the assignment or adjustment of base quantities to such producers consistent with such commitments and as will be equitable to all growers. Such determination and considerations appertaining thereto, shall be subject to review by the Secretary.

(2) In accordance with this paragraph and based on reports of handlers, certifications by growers, and other information, the committee shall establish each grower's base quantity and, except as hereinafter provided, assign such base quantity to such grower.

(3) Beginning with January 1, 1966, and through the 1973–74 crop year, if a grower loses cranberry acreage during the period due to unusual circumstances beyond his control, such as any power of eminent domain, he shall be permitted to relocate cranberry acreage within 4 years from time of loss.

The Committee shall compute a base quantity for such grower. Such computed base quantity shall not be greater than the base quantity for such producer had his base quantity been computed from sales made from acreage lost. In computing such base quantity the committee shall consider, among other things, the following factors: (i) Previous crop records on the original acreage; (ii) potential for improvement of the original acreage up to 1974; (iii) production from like acreage in the area of relocation; and (iv) such other factors as are relevant to the computation.

(b) *Additional base quantities.* Each crop year beginning in 1974–75, if it appears that the market demand for cranberries exceeds the aggregate base quantities, the committee shall consider the need for granting, and if appropriate, grant, after approval by the Secretary, additional base quantities on a uniform basis and in an equitable manner, to new growers and to existing growers for the purpose of satisfying the increased market demand for cranberries.

(c) *Review of committee determinations.* The committee shall recommend to the Secretary rules and regulations for review of its determination pursuant to this section, and the Secretary shall, on the basis of such recommendation or other available information, issue rules and regulations governing such review.

11. A new § 929.49 is added reading as follows:

§ 929.49 Marketable quantity, allotment percentage, and annual allotment.

(a) Marketable quantity and allotment percentage. Beginning with 1974–75 crop year, if the Secretary finds from the recommendation of the committee or from other available information that limiting the quantity of cranberries that may be purchased from or handled on behalf of growers would tend to effectuate the declared policy of the act, he shall determine and establish the marketable quantity for such crop year. The marketable quantity shall be apportioned among growers by applying the allotment percentage to each grower's base quantity, established pursuant to § 929.48. The allotment percentage shall be established by the Secretary and shall equal the marketable quantity divided by the total of all growers' base quantities. Except as provided in paragraph (c) of this section, no handler shall purchase or handle on behalf of any grower cranberries not within such grower's annual allotment. In any crop year beginning with the crop year commencing September 1, 1974, in which the production of cranberries is estimated by the committee to be equal to or less than its recommended marketable quantity, the committee may recommend and the Secretary may increase or suspend the allotment percentage applicable to any year. In the event it is found that the market demand is greater than the marketable quantity previously set, the committee may recommend and the Secretary may increase such quantity.

(b) Issuance of annual allotments: The committee shall require each grower to qualify for his allotment by filing with the committee, on or before February 1, 1974, and by the same date each year thereafter, a CMC form wherein the grower states such information as where he intends to produce his annual allotment, the acreage he intends to harvest, changes in location, if any, and such other information, including a copy of any lease agreement, as is necessary for the committee to administer this part. On or before May 1, 1974, and by the same date each year thereafter, the committee shall issue to each grower an annual allotment determined by applying the allotment percentage established pursuant to paragraph (a) of this section to the grower's base quantity.

(c) Filling deficiencies in annual allotments: When a grower, beginning in 1974, does not produce cranberries equal to his computed annual allotment, he may (1) fill any deficit in his annual allotment by obtaining cranberries from another grower who has produced a quantity of cranberries in excess of his computed annual allotment; (2) transfer any unused portion of his allotment to another grower; or (3) transfer his unused allotment to a handler who shall allocate the unused allotment to another grower or growers with insufficient allotment. As a condition to any such transfer each grower or handler shall furnish a full report to each such transaction to the committee, including the names of the parties, the quantity involved in the transaction, and such other information as will enable the committee to administer this provision. The committee, with the approval of the Secretary, may modify the provisions with respect to filling deficiencies.

(d) A grower or handler with any deficiency of allotment should notify the committee of such deficiency. As a service to growers and handlers to expedite any loan transactions, the committee shall act as a clearing house of information with respect to growers wanting to loan and growers wanting to borrow all or part of an allotment. Such information shall be maintained in the committee office and made available to any producer or handler who requests it.

12. A new § 929.50 is added reading as follows:

§ 929.50 Transfers.

(a) *Of location.* A grower may transfer from the acreage to which the cranberries are attributed on which his base quantity was established to other land which he owns. If the grower is leasing the acreage to which the cranberries are attributed on which his base quantity was established, he may transfer in accordance with the lease contract or with the consent of the owner. The committee shall, by such means as are provided in § 929.42(b) obtain information as to the location(s) where such producer intends to produce his annual allotment.

(b) *To another grower.* A grower who owns the land to which the cranberries are attributed on which the base quantity was established may transfer all or part of his base quantity to another grower. If the transferor is not the owner of the bog land, transfer of the base quantity shall be in accordance with the terms of the agreement between the lessee and the lessor. In the absence of a contract, a transfer shall not be valid nor shall an annual allotment be granted to the potential transferee unless the bog owner consents to the transfer. No transfer shall be recognized by the committee except the transferee and the transferor notifying the committee in writing.

13. Paragraph (d) of § 929.68 is revised to read as follows:

§ 929.68 Termination.

* * * * *

(d) The Secretary shall conduct a referendum during the month of May 1975 to ascertain whether continuance of this part is favored by the growers as set forth in paragraph (c) of this section. The Secretary shall conduct such a referendum during the month of May of every fourth year thereafter.

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Dated: June 21, 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

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