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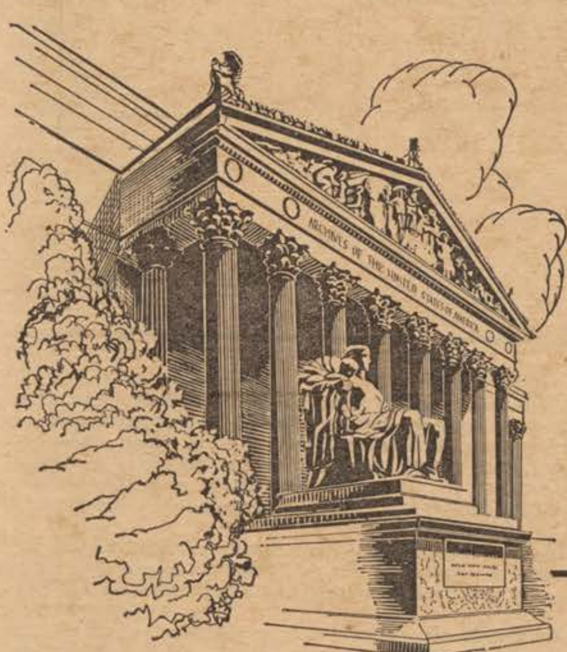

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3215 is amended to show that the Schedule B exceptions for 25 positions of Manpower Development Specialist in the Bureau of Work Programs and for 10 such positions in the Concentrated Employment Program expire on June 30, 1969, instead of June 30, 1968, and December 31, 1969, respectively. It is also amended to reflect the redesignation of the Bureau of Work Programs as the Bureau of Work Training Programs. Effective on publication in the FEDERAL REGISTER, paragraphs (a) and (b) of § 213.3215 are amended as set out below.

§ 213.3215 Department of Labor.

(a) Not to exceed 25 positions of Manpower Development Specialist at grades GS-9 through 15 for employment in the Bureau of Work Training Programs. This authority may not be used after June 30, 1969.

(b) Not to exceed 10 positions of Manpower Development Specialist, GS-13—15, and Manpower Development Officer, GS-15, for employment in the Concentrated Employment Program of the Manpower Administration. This authority may not be used after June 30, 1969.

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

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

[F.R. Doc. 68-7847; Filed, June 28, 1968; 8:48 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Coverage

Section 550.701(b) is amended by adding a new subparagraph (7) to exclude from the severance pay provisions an employee who is offered comparable employment with, or accepts any employment within 90 days with, a Federal nonappropriated fund instrumentality when his activity is transferred to such an instrumentality. Effective on publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (b) of § 550.701 as set out below.

§ 550.701 Coverage.

* * * * *

(b) *Employees.* * * *

(7) This subpart does not apply to an employee who, at the time his activity is transferred to a Federal instrumentality the employees of which are subject to section 2105(c) of title 5, United States Code, because the Federal instrumentality is supported by nonappropriated funds, is offered comparable employment with the Federal instrumentality or accepts any employment with the Federal instrumentality within 90 days from the date of separation.

(5 U.S.C. 5595)

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

[F.R. Doc. 68-7848; Filed, June 28, 1968; 8:41 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 11]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—Cropland Adjustment Program for 1966 Through 1969

MISCELLANEOUS AMENDMENTS

Correction

In F.R. Doc. 68-6019 appearing at page 7495 in the issue of Tuesday, May 21, 1968, the first line of amendment 4 on page 7496 is corrected by changing "Section 751.125(b)" to read "Section 751.124 (b)".

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 7]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1968

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811 (32 F.R. 18083), as amended, is to revise the determination of sugar requirements for the calendar year 1968, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Distribution of refined sugar during the first 5 months of the year has been greater than during the corresponding period of 1967. In keeping with this trend, refiners' inventories have also been larger. Recently, however, offerings of raw sugar for arrival during the summer period of heavy sugar consumption have not kept pace with the needs of refiners to maintain large inventories. This action is intended to substantially increase the offerings of readily available raw sugar. It also will enable the countries to plan their exportations of sugar to the United States and will provide adequate time for any country which may not be able to supply the full quantity of its quota and deficit prorations to so notify the Secretary before August 1.

Accordingly, total sugar requirements for the calendar year 1968 are hereby increased by 100,000 short tons, raw value, to a total of 10,700,000 short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quota established for Puerto Rico for the calendar year 1968 a finding was heretofore made (33 F.R. 8429) that Puerto Rico was unable to fill its quota by 400,000 short tons, raw value, and accordingly a quota deficit was determined for Puerto Rico for 400,000 tons. On the basis of the latest available information it is herein found that Puerto Rico will be unable to file its quota by an additional 215,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1968 quota for Puerto Rico of 615,000 short tons, raw value.

The additional deficit determined for Puerto Rico of 215,000 short tons, raw value, is herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act on the basis of published quotas most recently in effect. None of the additional Puerto Rican deficit is herein prorated to the Republic of the Philippines since it has previously notified the Department that it cannot supply any sugar in excess of its statutory quota.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.60, 811.61, 811.62, and 811.63 as follows:

1. Section 811.60 is amended to read as follows:

§ 811.60 Sugar requirements, 1968.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1968 is hereby determined to be 10,700,000 short tons, raw value.

2. Section 811.61 is amended by amending paragraph (a) to read as follows:

§ 811.61 Quotas for domestic areas.

(a) (1) For the calendar year 1968 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in Column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in Column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,168,000	no limit
Mainland cane sugar	1,152,000	no limit
Hawaii	1,191,704	36,594
Puerto Rico	1,140,000	160,500
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1968 Puerto Rico and the Virgin Islands will be unable by 615,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.62 is amended by changing the designation of paragraph (a) to pargaraph (a)(1) and adding a new paragraph (a)(2) to read as follows:

§ 811.62 Proration and allocation of deficits and quotas in effect.

(a) (1) * * *

(2) Pursuant to section 204(a) of the Act, the additional deficit in the quota determined in paragraph (a)(2) of § 811.61 of 215,000 short tons, raw value, is herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act on the basis of published quotas most recently in effect.

* * * * *

4. Section 811.63 is amended by amending paragraph (c) to read as follows:

§ 811.63 Quotas for foreign countries.

* * * * *

(c) For the calendar year 1968, the prorations to individual foreign countries pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in Amendment 6 of § 811.63 (33 F.R. 8429), are shown in column (3). In column (4) the additional deficit in the quota for Puerto Rico amounting to 215,000 short tons, raw value, is herein prorated to Western Hemisphere countries, listed in section 202(c)(3)(A) of the Act, on the basis of published quotas most recently in effect.

Countries	Short tons, raw value				
	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d)[1]	Previous deficit prorations and allocation	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
Mexico	224,319	239,080	65,536	40,326	569,261
Dominican Republic	219,386	233,824	139,095	45,228	637,533
Brazil	219,386	233,822	64,095	39,440	556,743
Peru	174,986	186,501	51,124	31,458	444,069
British West Indies	87,638	74,177	23,055	14,186	199,056
Ecuador	31,921	34,022	9,326	5,739	81,008
French West Indies	27,568	23,335	7,253	4,463	62,619
Argentina	26,988	28,764	7,885	4,852	68,489
Costa Rica	25,827	27,526	7,545	4,643	65,541
Nicaragua	25,827	27,526	7,545	4,643	65,541
Columbia	23,215	24,743	6,782	4,173	58,913
Guatemala	21,764	23,197	6,359	3,913	55,233
Panama	16,251	17,321	4,748	2,922	41,242
El Salvador	15,961	17,012	4,663	2,869	40,505
Haiti	12,188	12,990	3,561	2,191	30,930
Venezuela	11,027	11,752	3,222	1,982	27,983
British Honduras	6,384	5,404	1,680	1,034	14,502
Bolivia	2,612	2,783	763	469	6,627
Honduras	2,612	2,783	763	469	6,627
Australia	104,469	87,853			192,322
Republic of China	43,529	36,605			80,134
India	41,788	35,141			76,929
South Africa	30,760	25,868			56,628
Fiji Islands	22,925	19,279			42,204
Thailand	9,576	8,053			17,629
Mauritius	9,576	8,053			17,629
Malagasy Republic	4,933	4,149			9,082
Swaziland	3,773	3,173			6,946
Ireland	5,351	0			5,351
Total	1,452,540	1,454,736	415,000	215,000	3,537,276

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * *

(Secs. 201, 202, 204, and 403; Stat. 923, as amended, 924, as amended, and 7 U.S.C. 1111, 1112, 1114, and 1115)

Effective date. This action increases quotas for the calendar year 1968 by 100,000 tons and prorates additional deficits of 215,000 tons. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 26, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-7845; Filed, June 28, 1968; 8:48 a.m.]

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

[Valencia Orange Regulation 244, Amdt. 1]

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

Limitation of Handling

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 recommendation 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.544 (Valencia Orange Reg. 244, 33 F.R. 9086) are hereby amended to read as follows:

§ 908.544 Valencia Orange Regulation 244.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 350,000 cartons.

(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. 68-7758; Filed, June 28, 1968; 8:48 a.m.]

[Lemon Reg. 327]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.627 Lemon Regulation 327.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under 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 lemons 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 lemons; 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 regulation 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 lemons grown in California and Arizona which may be handled during the period June 30, 1968, through July 6, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 311,550 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: June 27, 1968.

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

[F.R. Doc. 68-7803; Filed, June 28, 1968; 8:48 a.m.]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in the production area defined therein, 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 recommendation of the Idaho-Eastern Oregon Potato Committee, established under the aforesaid marketing agreement and order, and upon available information, it is hereby found that the limitation of shipments of potatoes as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; 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 recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Idaho-Eastern Oregon Potato Committee on June 14, 1968; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; necessary supplemental economic and statistical information upon which the recommended regulation is based were received by the Department on June 18, 1968; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such potatoes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of potatoes; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 945.326 Limitation of shipments.

During the period July 1, 1968, through June 30, 1969, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade.—All varieties*—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties*—$1\frac{7}{8}$ inches minimum diameter.

(ii) All other varieties—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) All varieties—Size B if U.S. No. 1, or better grade.

(3) *Cleanliness*—(i) *Kennebec variety*—Not more than "slightly dirty."

(ii) *All other varieties*—"Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety*. "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *All other varieties*. "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions:* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments*. (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;
(ii) Charity;
(iii) Starch;
(iv) Canning or freezing;
(v) Dehydration;
(vi) Experimentation;
(vii) Seed pieces cut from stock eligible for certification as certified seed.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided*, That potatoes of a size not smaller than $1\frac{1}{2}$ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling: *Provided*, That potatoes of a size not smaller than $1\frac{1}{2}$ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility grade.

(d) *Safeguards*. Each handler making shipments of potatoes for starch, canning or freezing, dehydration, experimentation, seed pieces cut from stock eligible for certification, export, potato chipping, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(3) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(4) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(5) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception*. Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions*. The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports*. Pursuant to § 608e-1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated June 25, 1968, to become effective July 1, 1968.

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

[F.R. Doc. 68-7742; Filed, June 28, 1968; 8:46 a.m.]

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

[Milk Order No. 2]

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Subpart—Classification and Accounting Rules and Regulations

APPROVAL OF TENTATIVE AMENDMENTS

Pursuant to the provisions of § 1002.46 of the order, as amended, regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), the Market Administrator of said order on June 10, 1968, issued tentative amendments of the classification and accounting rules and regulations (7 CFR § 1002.100 through § 1002.274).

A copy of the stenographic record of the meeting called by the Market Administrator concerning such amendments to the rules and regulations, the briefs filed thereafter, and the tentative amendments of the rules and regulations were each forwarded by the Market Administrator to the Secretary. Upon consideration of such tentative amendments in the light of the stenographic record and the briefs, said amendments of the classification and accounting rules and regulations are hereby approved.

It is hereby determined that it is unnecessary and impracticable to defer the effective date of the amendments of the classification and accounting rules and regulations 30 days or more after publication in the FEDERAL REGISTER in that: (1) A copy of the tentative amendments was mailed on or about June 10, 1968, to all handlers operating pool plants and other interested persons, thus affording such persons a reasonable time to prepare for the effective date herein specified; (2) the marketing order, as amended, to which said amended rules and regulations are applicable provides for a skim milk and butterfat accounting in lieu of the present butterfat equivalent accounting procedure and said order, as amended, is effective July 1, 1968; and (3) the said amended rules and regulations are required by provisions of the said order, as amended, to be effective on the first day of the month following their approval.

Accordingly, the said amendments of the classification and accounting rules and regulations are to be effective on and after July 1, 1968.

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 26, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

Pursuant to the provisions of § 1002.46 of the order, as amended (7 CFR Part 1002), regulating the handling of milk in the New York-New Jersey marketing area, and of the Administrative Procedure Act (5 U.S.C. 551 et seq.), a public meeting was held at New York, N.Y., on May 27 and 28, 1968, to consider proposals for the amendment of the classification and accounting rules and regulations heretofore issued (7 CFR § 1002.100 et seq.) pursuant to said order. Notice of said public meeting was issued on May 10, 1968 and published in the FEDERAL REGISTER on May 24, 1968 (33 F.R. 7687).

After due consideration of the data, views, and arguments presented by interested persons at such public meeting, the classification and accounting rules and regulations heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture, to read as follows:

1. Revoke the classification and accounting rules and regulations heretofore issued by the Market Administrator (7 CFR 1002.100 through § 1002.274) and substitute therefor the classification and accounting rules and regulations which follow:

AUTHORITY: Sections 1002.100 to 1002.274 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1002.100 Definitions.

The terms used herein shall have the same defintions as are set forth in the orders. In addition, for the purpose only of classifying and accounting for skim milk and butterfat under the terms of the orders, other terms shall have the meanings set forth in §§ 1002.101 through 1002.129.

§ 1002.101 The Orders.

"The Orders" means Order No. 2 as amended, issued by the Secretary, and any concurrent and complementary orders issued by the New York State Commissioner of Agriculture and Markets or the Director of the New Jersey Office of Milk Industry.

§ 1002.102 Milk.

"Milk" means (a) the product delivered to a plant or a tank truck by dairy farmers as cow's milk, or (b) the product composed of skim milk and of not less than 3 percent but less than 10 percent butterfat, to which may or may not have been added ingredients other than those derived from milk, such ingredients not to exceed 4 percent. The addition of water as such at any plant shall not be considered the addition of a nonmilk ingredient for purposes of this definition. This definition shall not be deemed to include products that are included in other definitions.

§ 1002.103 Skim milk.

"Skim milk" means any part or parts of milk as defined in § 1002.102(a) except butterfat and shall include water as provided for in § 1002.40.

§ 1002.104 Fluid skim milk.

"Fluid skim milk" means the product consisting principally of uncondensed skim or skim milk in an equivalent form containing 0.5 percent butterfat or less.

§ 1002.105 Low test milk.

"Low test milk" means the product containing skim milk and more than 0.5 percent but less than 3 percent butterfat.

§ 1002.106 Cultured or flavored milk drinks.

"Cultured or flavored milk drink" means a cultured or flavored beverage containing skim milk and butterfat but less than 18 percent butterfat or the mixture from which such product is made at any plant. This definition includes but is not limited to the products properly known as buttermilk, chocolate milk, and chocolate drink.

§ 1002.107 Yogurt.

"Yogurt" means the product containing skim milk and butterfat but less than 10 percent butterfat which has been fermented by the addition of a harmless milk culture. Flavor or fruits may be added. Other milk products may be added during the process of manufacture.

§ 1002.108 Eggnog.

"Eggnog" means the product composed of skim milk and butterfat, sugar or other sweetening agents, egg yolk solids and flavoring agents and is marketed as eggnog. Other milk products may be added during the process of manufacture.

§ 1002.109 Cream.

"Cream" means the combination of skim milk and butterfat which contains 18 percent or more butterfat, to which may or may not have been added ingredients other than those derived from milk, such ingredients not to exceed 4 percent. The addition of water as such at any plant shall not be considered the addition of a nonmilk ingredient for purposes of this definition. This definition shall not be deemed to include products that are included in other definitions.

§ 1002.110 Sour cream.

"Sour cream" means cream which has been fermented by the addition of a lactic acid or other harmless milk culture.

§ 1002.111 Plastic cream.

"Plastic cream" means cream which contains 75 percent or more of butterfat.

§ 1002.112 Storage cream.

"Storage cream" (sometimes referred to as frozen cream) means cream which was moved to a licensed cold storage warehouse and established to have been held therein.

§ 1002.113 Half and half and sour half and half.

(a) "Half and half" means the product composed of skim milk and of not less than 10 percent but less than 18 percent butterfat to which may or may not have been added ingredients other than those derived from milk, such ingredients not to exceed 4 percent. The addition of water as such at any plant shall not be considered the addition of a nonmilk ingredient for purposes of this definition. This definition shall not be deemed to include products that are included in other definitions.

(b) "Sour half and half" means half and half which has been fermented by the addition of a lactic acid or other harmless milk culture.

§ 1002.114 Frozen desserts.

"Frozen desserts" means those products commonly known as ice cream, ice milk, frozen custard, sherbet, and frozen confections such as, but not restricted to, Bisque Tortoni, Spumoni, creamsicles, fudgsicles, popsicles, mousses, parfaits, puddings (such as Nesselrode puddings), and decorations for the frozen desserts, but not including products properly known as candy.

§ 1002.115 Frozen dessert mix.

"Frozen dessert mix" means a mixture containing milk solids, not less than 5 percent moisture and not less than 5 percent sugar (or other sweetening agent), or other ingredients, which is homogenized and is either used at any plant in the manufacture of frozen desserts or is in the same form as mixtures commonly so used. This definition shall not be deemed to include products included in § 1002.106.

§ 1002.116 Whipped topping mixture.

"Whipped topping mixture" means a product which results from the mixture of milk solids, moisture, sugar or other sweetening agents, flavor, and stabilizer, and which is used for distribution packaged with harmless gas causing it to fluff upon ejection from the package or container. The ingredients contained therein other than those derived from milk must exceed 4 percent. The addition of water as such at any plant shall not be considered the addition of a nonmilk ingredient for purposes of this definition.

§ 1002.117 Concentrated fluid milk.

"Concentrated fluid milk" means the unsterilized product resulting from the evaporation of water from milk which product contains not less than 5 percent butterfat, not less than 20 percent total milk solids, and not less than 5 percent moisture to which may or may not have been added ingredients other than those derived from milk, such ingredients not to exceed 4 percent. The addition of water as such at any plant shall not be considered the addition of a nonmilk ingredient for purposes of this definition. Other milk products may be added during the process of manufacture.

§ 1002.118 Evaporated milk.

"Evaporated milk" means the product resulting from the evaporation of water from milk which product contains not less than 7.8 percent butterfat and not less than 25.9 percent total milk solids, and which product is packed in hermetically sealed cans. Other milk products, stabilizer, or vitamin D may be added during the process of manufacture. Failure to meet the minimum percentages set forth herein by an amount not to exceed 2 percent of the percentages set forth herein shall not disqualify a product from meeting this definition.

§ 1002.119 Plain condensed milk.

"Plain condensed milk" means the unsterilized product resulting from the evaporation of water from milk which product contains not less than 5 percent butterfat, not less than 20 percent total milk solids, and not less than 5 percent moisture. They may or may not contain sugar or other sweetening agents, but such sugar or other sweetening agents shall be equivalent to less than 38 percent sugar or equivalent sweetening agents. Other milk products may be added during the process of manufacture.

§ 1002.120 Sweetened condensed milk.

"Sweetened condensed milk" means the product resulting from the evaporation of water from milk or plain condensed milk and the addition of sugar or other sweetening agent. It shall contain not less than 8 percent butterfat, 28 percent total milk solids, and 38 percent sugar or equivalent sweetening agent. Other milk products may be added during the process of manufacture.

§ 1002.121 Milk powder.

"Milk powder" means the product which results from the removal of water from milk, cream, plain condensed milk, or fluid skim milk, with or without the addition of other products, and which contains not less than 10 percent butterfat, and not more than 5 percent moisture.

§ 1002.122 Part skim milk powder and skim milk powder.

"Part skim milk powder" means the product which results from the removal of water from fluid skim milk or condensed skim milk which contains 1.5 percent or more but less than 10 percent butterfat and not more than 5 percent moisture. This definition includes but is not limited to products known as dried buttermilk and dried whey.

"Skim milk powder" means the product which results from the removal of water from fluid skim milk or condensed skim milk which contains less than 1.5 percent butterfat and not more than 5 percent moisture.

§ 1002.123 Other concentrated milk products.

"Other concentrated milk products" means the products named and described as follows:

(a) Malted milk products, products which are made by combining milk or other products containing butterfat with liquids separated from mash or ground barley malt and wheat flour, with or without the addition of other products, and by removing water. They shall contain not more than 40 percent moisture and not more than 15 percent butterfat.

(b) Ice cream powder, the product containing milk solids, sugar (or other sweetening agent), and other ingredients, prepared for use in making frozen desserts. It shall contain not less than 26 percent butterfat and not more than 5 percent moisture.

(c) Plain condensed skim milk, the product resulting from the evaporation of at least 50 percent of the water from fluid skim milk. Other products may be added during the process of manufacture. This definition includes but is not limited to the products known as condensed skim milk, sweetened condensed skim milk and condensed buttermilk.

(d) Sweetened, part skim, condensed milk, the product resulting from the evaporation of water from milk or plain condensed milk and the addition of sugar or other sweetening agent. It shall contain not less than 5 percent but less than 8 percent butterfat, not less than 28 percent total milk solids and not less than 38 percent sugar or equivalent sweetening agent. Other milk products may be added during the process of manufacture.

(e) The product which meets all the requirements of evaporated milk as set forth in § 1002.118 with the exception that other vitamins and minerals not to exceed 0.5 percent of the total weight of the product may be added during the process of manufacture.

§ 1002.124 **Cheese.**

"Cheese" means the product made from the separated curd obtained by coagulating the casein of milk, fluid skim milk, or cream.

§ 1002.125 **Cheddar cheese.**

"Cheddar cheese," "American Cheddar cheese," "Colby cheese," "washed curd cheese," and "part skim Cheddar cheese" means those cheeses manufactured for sale under one of these names and made from milk or fluid skim milk by the Cheddar, Colby, or washed curd process.

§ 1002.126 **Cream cheese.**

"Cream cheese" means cheese manufactured for sale under the name of "cream cheese," "neufchatel cheese," "cream cheese curd," or as a cheese with a cream cheese or neufchatel cheese base and made by the cream cheese or neufchatel process. The curd shall contain not less than 20 percent butterfat and the cheese may have nonmilk products added but may not have other cheese added. Failure to meet the minimum percentage set forth herein by an amount not to exceed 2 percent of the percentage set forth herein shall not disqualify a product from meeting this definition.

§ 1002.127 **Butter.**

"Butter" means the product containing not less than 80 percent butterfat resulting from churning cream. Failure to meet this minimum percentage by an amount not to exceed 1 percent of such percentage shall not disqualify the product from meeting this definition.

§ 1002.128 **Dispenser insert.**

A "dispenser insert" when used in conjunction with a fluid milk product means that the fluid milk product is in a container from which it may be dispensed through a self contained valve or other mechanical means for human consumption on the premises of the purchaser.

§ 1002.129 **Packaged; consumer packages.**

The term "packaged" or "consumer packages" when used in conjuction with a fluid milk product means that the fluid milk product is in a container of 8 quarts or less or dispenser insert of any size. A fluid milk product in any other container will be considered to have been handled in bulk.

PROCEDURE FOR ACCOUNTING FOR THE RECEIPT AND DISPOSITION OF SKIM MILK AND BUTTERFAT, AND SHRINKAGE AND OVERAGE AT A POOL PLANT

§ 1002.140 **Method.**

Skim milk and butterfat shall be accounted for at the plant on a monthly basis and shall be classified separately pursuant to §§ 1002.40 through 1002.46 in the following manner:

(a) In accordance with the form in which skim milk and butterfat in fluid milk products are held at a plant, moved from a plant or used at a plant to produce products other than fluid milk products;

(b) (1) On the basis of the fluid skim milk equivalent and butterfat content of all products, other than fluid milk products, which are reprocessed, converted, or combined with another product during the month or for which the handler fails to establish a disposition.

(2) Any deductions or additions required in §§ 1002.145 through 1002.149 shall be made to the result obtained after all additions and deductions required in the preceding section have been made.

§ 1002.141 **Preliminary accounting for other than fluid milk products at pool plants.**

(a) Separately tabulate the total pounds of each product other than a fluid milk product contained in opening inventory and received at the plant.

(b) Separately tabulate the total pounds of each product other than a fluid milk product contained in closing inventory at or moved from the plant.

(c) If the sum of the tabulation in paragraph (a) of this section exceeds the sum of the tabulation in paragraph (b) of this section, the excess shall be considered for further accounting as a receipt of other source milk as defined in § 1002.16 (b) and (c).

(d) If the sum of the tabulation in paragraph (b) of this section exceeds the sum of the tabulation in paragraph (a) of this section, the excess shall be considered as the products manufactured and shall be subject to further accounting as a product produced in the current month.

(e) When a product other than a fluid milk product manufactured during the month is reprocessed, converted or combined with another product during the same month, the fluid milk products and other source milk used in the first instance shall be considered to have been used directly in the product resulting from such reprocessing, conversion or combining.

(f) When condensed skim milk or skim milk powder manufactured in a month are used to fortify a fluid milk product in the same month, the skim milk equivalent of that portion of such products which is in excess of the volume included in the fortified fluid milk product shall be determined and accounted for in accordance with § 1002.246 (b) and (c).

§ 1002.142 **Skim milk and butterfat to be accounted for at a pool plant.**

(a) Tabulate and total the pounds of skim milk:

(1) In milk received from dairy farmers at the plant;

(2) In fluid milk products in the opening inventories at the plant, separately in bulk and packaged form;

(3) In fluid milk products in transit from other pool plants in accordance with § 1002.221(b), separately in bulk and packaged form;

(4) In fluid milk products received at the plant from other plants separately in bulk and packaged form or from units;

(5) In other source milk other than a fluid milk product determined to be a receipt pursuant to § 1002.141(c) at its skim milk content or equivalent.

The total of the skim milk so tabulated shall be known as the total skim milk to be accounted for.

(b) Butterfat shall be separately tabulated and totaled in accordance with the procedure outlined for skim milk in paragraph (a) of this section, except that the words "or equivalent" in subparagraph (5) shall not apply.

§ 1002.143 **Skim milk and butterfat accounted for at a pool plant.**

(a) Tabulate, total and classify the pounds of skim milk:

(1) In fluid milk products transferred to other plants or otherwise disposed of from the plant;

(2) In cream which is moved to a licensed cold storage warehouse and established to have been held therein;

(3) In fluid milk products in closing inventories at the plant;

(4) In fluid milk products in transit from other pool plants in accordance with § 1002.221(b);

(5) In fluid milk products and in other source milk used in the plant in the manufacture of other than fluid milk products;

(6) In the skim milk equivalent of skim milk powder and condensed skim milk determined pursuant to § 1002.246 (b) and (c) to be in excess of the volume included in the fluid milk products accounted for in subparagraphs (1) and (3) of this paragraph.

In the event that the skim milk in fluid milk products is classified in more than one class, the tabulation should be subdivided to show the quantity of skim milk in each class. The total of all skim milk so tabulated shall be known as the skim milk accounted for.

(b) Butterfat shall be separately tabulated, totaled and classified in accordance with the procedure outlined for skim milk in paragraph (a) of this section, except that paragraph (a)(6) shall not apply.

§ 1002.144 **Skim milk and butterfat shrinkage and overage at a pool plant.**

(a) Subtract the total skim milk accounted for determined pursuant to § 1002.143 from the total skim milk to be accounted for pursuant to § 1002.142. If there is a remainder, it shall be known as shrinkage. In the event that the total skim milk accounted for is greater than the total skim milk to be accounted for, the excess shall be known as overage.

(b) Butterfat shrinkage and overage shall be determined in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

§ 1002.145 **Opening inventories.**

(a) Deduct in the following sequence skim milk in opening inventories of fluid milk products including those in transit from other pool plants to be accounted for under § 1002.142(a)(3) from fluid milk products and other source milk in closing inventories, disposed of or used in the plant in the manufacture of other than fluid milk products:

(1) Packaged fluid milk products in series beginning with Class IA.

(2) Remaining fluid milk products from any Class II disposition except that

established as a Class II disposition in accordance with § 1002.246 (b) or (c).

(3) Remaining fluid milk products in series beginning with Class IA.

Provided, That in the month of July 1968, the pounds of skim milk in the opening inventory of fluid milk products shall be deducted from the pounds of skim milk in Class IA if it was classified in the previous month, as a closing inventory, in Class IA, Class IB or Class II or was on hand at the plant as skim milk subject to the fluid skim differential and shall be deducted from the pounds of skim milk in Class II if it was classified in the previous month, as a closing inventory, in Class III or was on hand at the plant as skim milk not subject to the fluid skim differential.

(b) Butterfat in opening inventories of fluid milk products shall be deducted separately in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

§ 1002.146 Certified fluid milk products.

(a) Deduct skim milk received in packaged fluid milk products derived from milk produced by a producer-handler for marketing as certified fluid milk products from the remaining pounds of skim milk accounted for in Class IA and Class IB, respectively, in accordance with its proportionate disposition remaining in those classes.

(b) Butterfat in receipts of the products described in paragraph (a) of this section shall be deducted separately in accordance with the procedure outlined for skim milk in that paragraph.

§ 1002.147 Skim milk equivalence established as a Class II disposition.

Deduct from Class II the skim milk equivalent of condensed skim milk and skim milk powder derived from receipts of other source milk which are accounted for as a Class II disposition pursuant to § 1002.143(a)(6).

§ 1002.148 Shrinkage allowance.

(a) Add pro rata to the remaining skim milk in each class the shrinkage determined pursuant to § 1002.144: *Provided*, That the additions to Class II shall not exceed 2 percent of the skim milk in such Class II. Any excess shall be classified in Class IA.

(b) Add pro rata to the remaining butterfat in each class the shrinkage of butterfat determined pursuant to § 1002.144: *Provided*, That the additions to Class II shall not exceed 2 percent of the butterfat in such Class II. Any excess shall be classified in Class IA.

§ 1002.149 Skim milk and butterfat to be allocated.

(a) Add back to the total skim milk in the classes resulting after the additions pursuant to § 1002.148 the skim milk deducted from the several classes pursuant to §§ 1002.145 through 1002.147. Combine into separate totals by classes the skim milk in the several subdivisions. The total shall be known as skim milk to be allocated.

(b) Butterfat to be allocated shall be determined and combined in accordance with the procedure outlined for skim milk in paragraph (a) of this sectilon.

ALLOCATION OF SKIM MILK AND BUTTERFAT CLASSIFIED TO SKIM MILK AND BUTTERFAT IN OPENING INVENTORIES AND RECEIVED IN FLUID MILK PRODUCTS AND RECEIVED IN OTHER SOURCE MILK AT A POOL PLANT OR POOL UNIT

§ 1002.160 Procedure for allocation of skim milk and butterfat classified.

The classification of milk received from producers at each pool plant or pool unit for each handler shall be determined each month pursuant to paragraph (a), (b), and (c) of this section: *Provided*, That for the purpose of establishing the pool status of any plant with Class IA route disposition in the marketing area which is not a pool plant pursuant to § 1002.24, skim milk and butterfat in milk received at such plant directly from dairy farmers or units up to an amount sufficient to qualify such plant as a pool plant pursuant to § 1002.28 (a) or (b) shall be considered the source of such IA route disposition of such plant and be subtracted from Class IA prior to the application of the allocation sequence set forth in paragraphs (a) and (b) of this section, unless at the time of filing his report pursuant to § 1002.30 the handler elects not to have it so allocated.

(a) Skim milk shall be allocated in the following manner:

(1) Subtract the pounds of skim milk received in package form from a producer-handler for marketing as certified fluid milk products from the total pounds of skim milk in Class IA and Class IB milk, respectively, in accordance with its proportionate disposition in such classes;

(2) Subtract from the remaining pounds of skim milk in Class IA milk the pounds of skim milk in packaged fluid milk products received from other order plants, except cream which has been classified and priced as other than a fluid milk product under the other order;

(3) Subtract from the remaining pounds of skim milk in Class IA milk the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month: *Provided*, That for the first month of operation under this amended order such pounds of skim milk shall be subtracted from Class IA, if classified as IA, IB, or Class II in the preceding month and from Class II if classified as Class III in the preceding month;

(4) Subtract from the pounds of skim milk remaining in each class in series beginning with Class II milk the pounds of skim milk in receipts of other source milk in a form other than that of a fluid milk product;

(5) Subtract in the order specified below from the pounds of skim milk remaining in Class IA and Class II milk, in series beginning with Class II milk, the pounds of skim milk in:

(i) Receipts of fluid milk products from a producer-handler pursuant to another order or a producer-handler defined pursuant to § 1002.12 (except pool milk designated in the preamble of § 1002.14).

(ii) Receipts of fluid milk products from a handler's plant at which milk is excepted from pool milk definition pursuant to § 1002.14(h).

(iii) Receipts of fluid milk products from a handler with own farm milk which milk is excepted from the pool milk definition pursuant to § 1002.14(i).

(6) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in receipts of other source milk in the form of fluid milk products from plants other than those defined in § 1002.8 (b) or (d) and units other than pool units for which the handler requests a Class II classification, but not in any case to exceed the pounds of skim milk remaining in such class;

(7) Subtract from the remaining pounds of skim milk in Class IA and Class II milk, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products in bulk on hand at the beginning of the month: *Provided*, That for the first month of operation under this amended order such pounds of skim milk shall be subtracted from Class IA if classified as Class IA, IB, or II in the preceding month and from Class II if classified as Class III in the preceding month;

(8) (i) Subtract pro rata from the pounds of skim milk remaining in Class IB and Class II milk the remaining pounds of skim milk in receipts of other source milk in the form of fluid milk products from plants not defined pursuant to § 1002.8 (b) or (d) and from units other than pool units: *Provided*, That if the pounds of skim milk to be assigned pursuant to this subparagraph exceed the available pounds of skim milk in Class IB and Class II, the handler shall designate the priority of sources to be assigned to such classes.

(ii) No assignment shall be made pursuant to this subparagraph with respect to milk received from a plant not defined pursuant to § 1002.8 (b) or (d) in the 401 miles and over freight zone at a plant from which 50 percent or more of the gross receipts of skim milk and butterfat leaves the plant in the form of fluid milk products in consumer packages or dispenser inserts and is classified as Class IA;

(9) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk specified in subdivisions (i) and (ii) of this subparagraph, but not in any case to exceed the pounds of skim milk remaining in such class;

(i) In receipts of packaged cream and bulk fluid milk products pooled and priced under Part 1015 of this chapter, and

(ii) In receipts of packaged or bulk cream from other order plants if such cream was classified and priced as other than a fluid milk product under the other order.

(10) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in bulk receipts of

fluid milk products from other order plants not previously assigned and for which a Class II classification is requested by both the transferor and transferee handler in filing reports of receipts and utilization for the month with their respective market administrators, but not in any case to exceed the pounds of skim milk remaining in such class;

(11) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk in receipts from dairy farmers and from the handler's own farm which are excepted from the pool milk definition pursuant to § 1002.14 (h) and (i);

(12) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk in receipts of fluid milk products from other order plants not previously assigned pursuant to subparagraphs (2), (9), and (10) of this paragraph;

(13) If the plant at which assignment is being made is a plant from which 50 percent or more of the gross receipts of skim milk and butterfat in the form of fluid milk products left the plant in the form of fluid milk products in consumer packages or dispenser inserts and was classified as IA, subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk in receipts of fluid milk products from plants in the 401 miles or over freight zone, not defined pursuant to § 1002.8 (b) or (d);

(14) Subtract from the remaining pounds of skim milk in Class IA milk the pounds of skim milk in remaining receipts from plants (except other order plants) or units the pool status of which has not yet been established and which receipts have not previously been assigned pursuant to subparagraphs (8) and (13) of this paragraph;

(15) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received in the form of fluid milk products from other pool plants and from pool units (not previously assigned pursuant to the preamble of this section), in accordance with the classification assigned by the transferee handler subject to the conditions of subdivisions (i) through (iii) of this subparagraph:

(i) The skim milk so assigned to any class of utilization shall be limited to the amount thereof remaining in such class in the transferee plant;

(ii) If the transferor plant received during the month other source milk to be allocated pursuant to subparagraph (4) of this paragraph the skim milk so transferred shall be classified so as to allocate the least possible Class IA or IB utilization to such other source milk; and

(iii) If the transferor handler received during the month other source milk to be allocated pursuant to subparagraph (8) of this paragraph, the skim milk so transferred shall not be classified as Class IA or IB to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(16) Add to the remaining pounds of skim milk in class IA the pounds of skim milk received directly from dairy farmers which was deducted pursuant to the proviso in the preamble of this section;

(17) If the pounds of skim milk remaining in all classes exceeds the pounds of skim milk in receipts from producers subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class.

CLASSIFICATION OF SKIM MILK AND BUTTERFAT TRANSFERRED IN THE FORM OF A FLUID MILK PRODUCT TO A PLANT WHICH IS NOT A POOL PLANT, AN OTHER ORDER PLANT NOR A PRODUCER-HANDLER PLANT UNDER ANY OTHER ORDER

§ 1002.180 Assignment at a plant which is not a pool plant, an other order plant nor a producer-handler plant under any other order.

Skim milk and butterfat transferred in the form of a fluid milk product from a pool unit or a pool plant to a plant which is not a pool plant, an other order plant nor a producer-handler plant under any order shall be classified as Class IA, unless the requirements of paragraphs (a) and (b) of this section are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from paragraph (c) of this section: *Provided*, That if the classification of any skim milk and butterfat so transferred is dependent on the classification of bulk fluid milk products moved from the transferee plant to a second nonpool plant, the same assignment procedure shall be followed with respect to receipts and utilization at such second nonpool plant. If fluid milk products are moved in bulk form from the transferee plant to a second nonpool plant and the requirements of § 1002.180 (b) are met by the operator of such second nonpool plant, the classification of the fluid milk products so moved shall be determined by the procedure required by § 1002.180(c) except that the assignment of such fluid milk products to Class IA and Class IB shall not be less than the quantities which would be assigned to those classes if the fluid milk products were received at the second nonpool plant as a transfer directly from the pool plant or pool unit.

(a) The transferring handler claims classification pursuant to the assignment set forth in paragraph (c) of this section in his report submitted to the market administrator pursuant to § 1002.30 for the month within which such transaction occurred;

(b) The operator of such transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification.

(c) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such transferee plant:

(1) Packaged receipts of fluid milk products from Federal order sources shall first be assigned to route disposition in Federal order marketing areas (assigning receipts to sales in the same market to the extent possible) and any residual shall be assigned to IB route sales.

(2) Such bulk transfers and other bulk receipts at such transferee plant from other order plants shall next be assigned to any remaining route disposition in any Federal order marketing area. For this purpose receipts from each Federal order market shall first be assigned to remaining route sales in such marketing area and any remainder of such receipts shall be prorated with all Federal order receipts to remaining route disposition in all Federal order marketing areas.

(3) Receipts from dairy farmers shall then be assigned to any remaining route sales in the marketing area.

(4) Remaining receipts from dairy farmers and other unregulated other source receipts (excluding opening inventory) in the form of fluid milk products shall be assigned pro rata to Class IB and Class II utilization at such plant to the extent of such utilization available at such plant and any remainder of such receipts shall be assigned pro rata to Class IA bulk sales to plants regulated under this order and Class I bulk sales to plants regulated under other orders.

(5) Any remaining receipts being assigned pursuant to this subparagraph shall be assigned pro rata with remaining receipts from other order plants, first to remaining Class IA utilization, then Class IB utilization and finally to Class II utilization at such plant: *Provided*, That if on inspection of the books and records of such plant the market administrator finds that there is insufficient utilization to cover such receipts, the remainder shall be classified as Class IA.

INVENTORIES

§ 1002.220 Method of accounting for closing inventories.

Skim milk and butterfat in the form of fluid milk products shall be accounted for and classified by the handler at the time of filing reports in accordance with § 1002.30 as follows:

(1) As Class IA in the form of packaged fluid milk products at a pool plant.

(2) As Class II in the form of bulk fluid milk products at a pool plant or in bulk or packaged fluid milk products at a plant not defined in § 1002.8 (b) or (d).

§ 1002.221 Method of accounting for fluid milk products in transit at the end of a month from a pool plant to a pool plant.

All fluid milk products transferred from a pool plant but not received until the following month at the transferee pool plant shall be considered in transit and shall be accounted for in the following manner:

(a) At the transferor plant, transfers which are in transit shall be included in the disposition in the month in which shipped.

(b) At the transferee plant, transfers which are in transit shall be considered to have been received in the same month as shipped and shall be included in the closing inventory thereat.

(c) At the transferee plant, transfers which were in transit and were included in the closing inventory pursuant to paragraph (b) of this section shall be included in the following month's opening inventory.

§ 1002.222 Method of accounting for fluid milk products in transit at the end of a month from a pool plant to a plant other than a pool plant.

All fluid milk products transferred from a pool plant but not received until the following month at a transferee plant which is not a pool plant shall be considered in transit and shall be accounted for in the following manner:

(a) At the transferor plant, such transfers shall be accounted for as a closing inventory in the month in which shipped and as a disposition in the following month.

(b) At the transferee plant, transfers pursuant to paragraph (a) of this section shall be accounted for as receipts in the month in which received.

CONVERSION FACTORS FOR ACCOUNTING PURPOSES

§ 1002.230 Butterfat tests.

In the absence of information establishing the butterfat content of the listed products the following table shall be used:

Product	*Test in percent*
Skim milk (other than reconstituted)	0.1
Cream, heavy	36.0
Cream, medium (New Jersey)	30.0
Cream, medium (outside of New Jersey)	25.0
Cream, light	18.0
Cream, sour	18.0
Cream, plastic	75.0
Half and half	10.0
Half and half, sour	10.0
Butter	80.0
Plain condensed milk	5.0
Concentrated fluid milk (established to have been packaged in consumer packages)	14.0
Evaporated milk	7.8
Sweetened condensed milk	8.0
Plain condensed skim milk	[1] 0.3
Sweetened condensed skim milk	[1] 0.5
Skim milk powder	[1] 1.1
Whipped topping mixture	19.0
Frozen dessert mix (except chocolate)	10.0
Frozen dessert mix (chocolate)	8.0
Frozen dessert mix (ice milk)	2.0
Frozen dessert mix (sherbet)	1.0
Cream cheese (sold as cream cheese)	33.0
Cream cheese (sold as Neufchatel)	20.0

[1] When these products are used for reconstitution or fortification of fluid milk products, they will be considered to contain no butterfat.

§ 1002.231 Milk solids not fat tests.

In the absence of information establishing the milk solids not fat content of the listed products, the following table shall be used:

Product	*Test in percent*
Plain condensed milk	15.0
Concentrated fluid milk (established to have been packaged in consumer packages)	15.0
Evaporated milk	17.7
Sweetened condensed milk	20.0
Plain condensed skim milk	20.0
Sweetened condensed skim milk	28.0
Whipped topping mixture	7.0
Frozen dessert mix (except chocolate)	10.0
Frozen dessert mix (chocolate)	8.0
Frozen dessert mix (ice milk)	9.0
Frozen dessert mix (sherbet)	1.0

§ 1002.232 Weights.

In the absence of information establishing the weight of the listed products, the following tables shall be used:

(a) Fluid milk products (except dairy farmer milk, cultured or flavored milk drinks, and concentrated fluid milk) yogurt, storage cream, plastic cream, sour cream, and sour half and half.

Range of butterfat (percent)	*Weight per gallon (pounds)*
Less than 1.0	8.63
1.00 but less than 3.00	8.62
3.00 but less than 5.00	8.60
5.00 but less than 9.00	8.58
9.00 but less than 14.00	8.55
14.00 but less than 19.00	8.51
19.00 but less than 23.00	8.48
23.00 but less than 27.00	8.45
27.00 but less than 29.00	8.43
29.00 but less than 31.00	8.41
31.00 but less than 33.00	8.40
33.00 but less than 35.00	8.39
35.00 but less than 37.00	8.37
37.00 but less than 39.00	8.36
39.00 but less than 41.00	8.35
41.00 but less than 43.00	8.33
43.00 but less than 45.00	8.32
45.00 but less than 47.00	8.30
47.00 but less than 49.00	8.29
49.00 but less than 51.00	8.28

(b) Other products.

Product	*Weight per gallon (pounds)*
Dairy farmer milk	8.60
Cultured milk drinks	8.60
Flavored milk drinks	8.00
Plain condensed milk	9.10
Concentrated fluid milk	9.10
Concentrated fluid milk (established to have been packaged in consumer packages)	9.20
Evaporated milk	9.10
Sweetened condensed milk	10.80
Sweetened condensed skim milk	11.20
Frozen dessert mix (except chocolate)	9.10
Frozen dessert mix (chocolate)	9.25
Frozen dessert mix (ice milk)	9.10
Frozen dessert mix (sherbet)	9.10
Whipped topping mixture	8.65

§ 1002.233 Weights and equivalents of condensed skim milk and skim milk powder.

In the absence of information establishing the weight or skim milk equivalent of condensed skim milk and skim milk powder the following table shall be used:

CONDENSED SKIM MILK

A	*B*	*C*	*D*
Percent total solids in the mixture	Weight per gallon (pounds)	Product skim equivalent factor	Class II skim equivalent factor
Less than 24.5	9.10	2.281	1.333
24.5 but less than 25.5	9.22	2.851	1.915
25.5 but less than 26.5	9.26	2.965	2.033
26.5 but less than 27.5	9.30	3.079	2.151
27.5 but less than 28.5	9.34	3.193	2.269
28.5 but less than 29.5	9.38	3.307	2.387
29.5 but less than 30.5	9.42	3.421	2.505
30.5 but less than 31.5	9.46	3.536	2.624
31.5 but less than 32.5	9.51	3.649	2.742
32.5 but less than 33.5	9.55	3.763	2.860
33.5 but less than 34.5	9.59	3.877	2.977
34.5 but less than 35.5	9.63	3.991	3.095
35.5 but less than 36.5	9.68	4.105	3.214
Skim milk powder		11.000	10.360

METHOD OF DETERMINING SKIM MILK AND BUTTERFAT IN SPECIFIC PRODUCTS

§ 1002.240 Skim milk and butterfat in milk.

(a) Butterfat in milk except standardized milk which is transferred or disposed of from a plant or utilized at a plant shall be at the average test of milk received from farms at such plant except, if the classification of the milk so transferred or disposed of is assigned pursuant to § 1002.160 to milk received from another plant or unit or from dairy farmers reported by a cooperative, the test of such milk shall be the average test of milk received from farmers at such other plant or unit or reported by such cooperative.

(b) Butterfat in milk received from a unit or transferred from or disposed of by a unit shall be at the average test of all milk received at farms by the unit and in the same quantities.

(c) Skim milk in milk the butterfat content of which is determined pursuant to paragraphs (a) and (b) of this section shall be the weight of the milk less the butterfat determined to be contained therein.

§ 1002.241 Skim milk and butterfat in standardized milk.

(a) The butterfat content of milk established to have been standardized shall be the same as the butterfat in the milk cream and skim milk used to make such standardized milk less the butterfat in any fluid milk product removed to effect standardization.

(b) Skim milk in standardized milk shall be the weight of the standardized milk less the butterfat content determined pursuant to paragraph (a) of this section.

§ 1002.242 Skim milk and butterfat in low test milk.

(a) The butterfat content of low test milk shall be the same as the butterfat in the milk, cream, and skim milk used to make the product.

(b) Skim milk in low test milk shall be the weight of the product less the butterfat content determined pursuant to paragraph (a) of this section.

§ 1002.243 Skim milk and butterfat contained in cream, storage cream, half and half, skim milk and cultured milk drinks.

(a) Determine the weight of the product. In the absence of information establishing weights, convert volume to weight by the use of the conversion factor in § 1002.232.

(b) Determine the total amount of butterfat in the product on the basis of butterfat tests. In the absence of information establishing the butterfat content, determine the butterfat content by the application of § 1002.230, except that the butterfat content of cultured milk drinks shall be assumed to be the same as the butterfat content of all dairy products used in the manufacture of such cultured milk drinks.

(c) The skim milk content shall be the total weight of the product determined pursuant to paragraph (a) less the butterfat content determined pursuant to paragraph (b).

§ 1002.244 Skim milk and butterfat contained in plastic cream, sour cream, sour half and half and butter when received as other source milk.

(a) Determine the weight of the product. In the absence of information establishing weights, convert volume to weight by the use of the conversion factor in § 1002.232.

(b) Determine the total amount of butterfat in the product on the basis of butterfat tests. In the absence of information establishing the butterfat content, determine the butterfat content by the application of § 1002.230.

(c) The skim milk content shall be the total weight of the product determined pursuant to paragraph (a) less the butterfat content determined pursuant to paragraph (b).

§ 1002.245 Skim milk and butterfat contained in flavored milk drinks.

(a) If the weight and the fat test of the product have been established on the basis of available information:

(1) Determine the total amount of fat in the product on the basis of fat tests and weight of the product.

(2) Determine the total weight of the nondairy ingredients other than water contained in the product and the fat content of such nondairy ingredients.

(3) Determine the butterfat content of the product by subtracting from the total fat content of the product, the fat content of the nondairy products used.

(4) Determine the skim milk content of the product by subtracting from the total weight of the product, the butterfat content of the product and total weight of the nondairy ingredients other than water used in the manufacture of the product.

(b) In the absence of information establishing weights or tests, the weight of the product shall be determined in accordance with § 1002.232(b):

(1) The butterfat content shall be considered to be the same as the butterfat content of the products used in the manufacture of the flavored milk drink.

(2) The skim milk content shall be determined by deducting from the total weight of the flavored milk drink the butterfat determined to be contained therein pursuant to subparagraph (1) of this paragraph.

§ 1002.246 Skim milk equivalent of condensed skim milk and skim milk powder.

(a) The skim milk equivalent of condensed skim milk and skim milk powder in other source milk receipts shall be determined by multiplying the pounds of condensed skim milk or skim milk powder by the appropriate factor in Column C of the table in § 1002.233.

(b) When condensed skim milk or skim milk powder are used to fortify fluid milk products the skim milk equivalent of that portion of such products which is in excess of the volume included in the fortified fluid milk product shall be determined by multiplying the pounds of condensed skim milk and skim milk powder by the factor in Column D in the table in § 1002.233. The skim milk equivalent so determined shall be accounted for as a Class II disposition. Condensed skim milk and skim milk powder used to fortify fluid milk products will be considered to contribute no butterfat to the product so fortified.

(c) When condensed skim milk and skim milk powder are used to reconstitute skim milk, the amount by which the skim milk equivalent of the condensed skim milk and skim milk powder, exceeds the pounds of reconstituted skim milk produced, shall be accounted for as a Class II disposition.

§ 1002.247 Skim milk equivalents and butterfat content of other manufactured products.

(a) Determine the weight of the product. In the absence of information establishing weights, determine the weight by the use of the conversion factor in § 1002.232 (a) or (b).

(b) Determine the total amount of fat in the product on the basis of fat test and the weight of the product. In the absence of information establishing fat tests, the butterfat test of the product shall be determined by the use of the appropriate butterfat test in § 1002.230.

(c) If the total amount of fat in the product has been determined on the basis of fat test:

(1) Determine the total weight of the nondairy ingredients other than water contained in the product and the fat content of such nondairy ingredients.

(2) Determine the butterfat content of the product by subtracting from the total fat content of the product, the fat content of the nondairy products used.

(d) Determine the milk solids not fat content of the product on the basis of the milk solids not fat test and the weight of the product. In the absence of information establishing milk solids not fat tests, such test shall be determined by the use of the appropriate milk solids not fat test in § 1002.231.

(e) Determine the skim milk equivalent of the milk solids not fat in the product by multiplying such milk solids not fat by 11.4.

§ 1002.248 Skim milk and butterfat in whey and whey products and in churn buttermilk and churn buttermilk products.

Skim milk and butterfat on hand at or leaving the plant in the form of whey and whey products and in churn buttermilk and churn buttermilk products together with the skim milk and butterfat contained in the cheese or butter shall be considered the net result of the fluid milk products and other source milk used: *Provided*, That if skim milk and butterfat in whey and whey products and in churn buttermilk and churn buttermilk products are held in closing inventory or disposed of from the plant in the form of a fluid milk product, such skim milk and butterfat contained in these products shall be treated as fluid milk products. The skim milk and butterfat claimed to have been used in the manufacture of cheese and butter shall be reduced by the quantities of skim milk and butterfat determined to be contained in these fluid milk products.

§ 1002.249 Skim milk and butterfat used to manufacture products other than fluid milk products.

Skim milk and butterfat, in the form of fluid milk products and other source milk, claimed to have been used in the manufacture of other than fluid milk products will be allowed as claimed in the light of the skim milk and butterfat contained in the finished products. The evaluation of each claim shall include a full consideration of all available information.

Issued at New York, N.Y., this 10th day of June 1968.

A. J. POLLARD,
Market Administrator.

[F.R. Doc. 68-7743; Filed, June 28, 1968; 8:45 a.m.]

[Milk Order No. 2]

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Order

§ 1002.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the 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 New York-New Jersey marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect marketing 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.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than July 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued May 24, 1968, and the decision of the Under Secretary containing all amendment provisions of this order was issued June 25, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1968, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Secs. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

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

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

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New York-New Jersey marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1002.50, the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1002.50 Class prices.

* * * * *

(a) For Class I–A milk the price during each month shall be a price computed pursuant to subparagraphs (1) through (10) of this paragraph, except that from the effective date hereof the Class I–A price each month shall be $6.49 through April 1969.

* * * * *

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

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 27, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–7840; Filed, June 28, 1968; 8:48 a.m.]

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

PART 1012—MILK IN TAMPA BAY MARKETING AREA

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

Order Amending Orders

§ ------.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 and determinations are hereby 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 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, 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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than July 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued June 6, 1968, and the decision of the Under Secretary containing all amendment provisions of this order, was issued June 21, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective July 1, 1968, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

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

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

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the 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:

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.

* * * * *

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.

* * * * *

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.

* * * * *

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

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 26, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-7841; Filed, June 28, 1968; 8:48 a.m.]

PART 1094—MILK IN THE NEW ORLEANS, LA., MARKETING AREA

PART 1103—MILK IN THE MISSISSIPPI MARKETING AREA

Order Amending Orders

§§ 1094.0 and 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 the 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 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 with respect to each such order 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.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective not later than July 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing areas.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, was issued May 29, 1968, and the decision of the Under Secretary containing all amendments provisions of this order was issued June 21, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the orders effective July 1, 1968, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

(c) *Determinations.* It is hereby determined with respect to each order that:

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

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

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

ORDER RELATIVE TO HANDLING

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

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*, to have been received at the location of That milk so diverted shall be deemed 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:

§ 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;

* * * * *

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;

* * * * *

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

Effective date: July 1, 1968.

Signed at Washington, D.C., on June 26, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-7774; Filed, June 28, 1968; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8983; Amdt. 151-23]

PART 151—FEDERAL AID TO AIRPORTS

Equal Employment Opportunity

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to implement the revised equal employment opportunity regulations issued by the Secretary of Labor on May 21, 1968 (41 CFR Part 60-1; 33 F.R. 7804, May 28, 1968). This amendment reflects the Notice issued by the Secretary of Transportation, and published in this issue of the FEDERAL REGISTER,[1] regarding the equal employment opportunity regulations of the Department of Transportation.

The revised equal employment opportunity regulations become effective July 1, 1968, for FAAP Grant Agreements, and for certain contracts, the solicitations, invitations for bids or requests for proposal which were sent on or after said effective date and for all negotiated contracts executed on or after said effective date, as provided in § 60–1.47, and made under any FAAP Grant Agreement. Notwithstanding the foregoing, the regulations of the Secretary of Labor shall become effective as to all contracts executed on or after October 29, 1968.

Section 60–1.6 imposes upon the Department of Transportation, and its operating administrations, certain duties in addition to primary responsibility for obtaining compliance with the equal opportunity clause, Executive Order 11246, the regulations in revised Part 60–1, and orders issued pursuant thereto. Action to carry out the duties under § 60–1.6 cannot be completed before the effective date of revised Part 60–1 of the Secretary of Labor. Therefore, this regulatory action is taken to implement the remainder of the revised regulations of the Secretary of Labor on July 1, 1968, consistent with the notice issued by the Secretary of Transportation. Subsequent rule-making action will reflect the responsibilities of the Department of Transportation under the revised Part 60–1 of the Secretary of Labor.

Since this amendment relates to public grants, benefits, and contracts, notice and public procedure thereon are not required, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended, effective July 1, 1968, as follows:

1. The section heading, and paragraph (h) of § 151.54 are amended to read as follows:

§ 151.54 Equal employment opportunity requirements: before July 1, 1968.

* * * * *

(h) *Applicability to existing agreements and contracts.* This section applies to grant agreements made after December 20, 1964, and before July 1, 1968. Except as provided in § 151.54A(b), it applies to contracts and subcontracts as defined in § 60–1.2 (i) and (k) of Part 60–1 of Title 41 made in accordance with a grant agreement to which this section applies.

2. A new § 151.54a is added to read as follows:

§ 151.54a Equal employment opportunity requirements: after June 30, 1968.

(a) *Incorporation by reference.* There are hereby incorporated by reference into this part the regulations issued by the Secretary of Labor on May 21, 1968, and published in the FEDERAL REGISTER on May 28, 1968 (41 CFR Part 60–1, 33 F.R. 7804), except for the following provisions:

(1) Paragraph (a), "Government contracts", of § 60–1.4, "Equal opportunity clause".

(2) Section 60–1.6, "Duties of agencies".

(b) *Applicability and effectiveness.* The regulations incorporated by reference in paragraph (a) of this section apply to grant agreements made after June 30, 1968. They also apply to contracts, as defined in § 60–1.3(f) of Title 41, entered into under any grant agreement made before or after that date, as provided in § 60–1.47 of Title 41.

This amendment is made under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101–1120); Executive Order 11246 (30 F.R. 12319); and the regulations of the Secretary of Labor (33 F.R. 7804, May 28, 1968).

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

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 68-7889; Filed, June 28, 1968; 11:22 a.m.]

[1] F.R. Doc. 68-7888, in Notices Section, *infra.*

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8746]

PART 13—PROHIBITED TRADE PRACTICES

All States Sewing Center et al.

Subpart—Advertising falsely or misleadingly: § 1370 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–33 Demonstration reduction; § 13.285 *Value.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1775 *Value;* Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, World Sewing Center, Inc., doing business as All States Sewing Center et al., Docket 8746, June 7, 1968]

In the Matter of World Sewing Center, Inc., a Corporation, Doing Business as All States Sewing Center, and Earnest Rose, Individually, and as an Officer of Said Corporation

Order requiring a Dorchester, Mass., distributor of new and used sewing machines to cease using bait advertising, false pricing and savings claims, misrepresenting its machines as distress merchandise, and using deceptive guarantees.

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

It is ordered, That respondents, World Sewing Center, Inc., a corporation, its officers and Ernest Rose, individually and as an officer of said corporation, trading as All States Sewing Center, or under any other trade name or names, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of sewing machines, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that sewing machines or other products being offered for sale are distressed merchandise purchased from dealers in financial difficulty, or purchased in car load lots or other large quantities, or are factory rejects or have been used for purposes of demonstration in factory outlets;

2. Representing, directly or by implication, that stated quantities of sewing machines or other products have been purchased or are available for sale: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such quantities have been purchased or that such quantities are available for sale as represented;

3. Misrepresenting, in any manner, the source, the numbers available, the condition or performance characteristics of sewing machines or any other product;

4. Using the terms "Originally," "Regularly," or any other terms or words of similar import or meaning, to refer to any amount which is in excess of the price at which sewing machines or any other product have been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent regular course of their business; or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents;

5. Using the term "Value," or any other terms or words of similar import or meaning, to refer to any amount which is appreciably in excess of the highest price at which substantial sales of such merchandise have been made in the recent regular course of business in the trade area where such representations are made; or otherwise misrepresenting the price at which such merchandise has been sold in the trade area where such representations are made;

6. Representing, in any manner, that by purchasing sewing machines or any other product, customers are afforded savings amounting to the difference between respondents' stated price and any other price used for comparison with that price;

(a) Unless respondents have offered such merchandise for sale at the compared price in good faith for a reasonably substantial period of time in the recent regular course of their business; or

(b) Unless substantial sales of said merchandise are being made in the trade area at the compared price, or a higher price; or

(c) When value comparison representation with comparable merchandise is used, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality;

7. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' sewing machines or any other product, or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' sewing machines or any other product at retail;

8. Advertising or offering sewing machines or any other product for sale for the purpose of obtaining leads or prospects for the sale of different sewing machines or products at higher prices;

9. Discouraging the purchase of or disparaging in any manner any sewing machine or other product advertised;

10. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations for the purpose of obtaining leads or prospects for the sale of other sewing machines or products;

11. Representing, directly or by implication, that any sewing machines or other products are offered for sale when such is not a bona fide offer to sell such sewing machines or products;

12. The conduct or use of any sales plan or method of compensation for any agent, representative or employee in any manner which has the effect of discouraging them from selling the advertised sewing machine or product or penalizing them upon the sale of the advertised sewing machine or product;

13. Representing, directly or by implication, that any of respondents' sewing machines or other products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

14. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products to purchasers; and failing to secure from each such person a signed statement acknowledging receipt of said order and agreeing to abide by the requirements of said order and to refrain from engaging in any of the acts or practices prohibited by said order; and for failure so to do, agreeing to dismissal or to the withholding of commissions, salaries and other remunerations, or both to dismissal and to withholding of commissions, salaries and other remunerations.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That World Sewing Center, Inc., a corporation, doing business as All States Sewing Center, and Ernest Rose, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: June 7, 1968.

By the Commission.

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

[F.R. Doc. 68-7727; Filed, June 28, 1968; 8:45 a.m.]

[Docket No. C-1346]

PART 13—PROHIBITED TRADE PRACTICES

Fox River Mills, Inc., and Joseph R. Lessard

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; 13.1212–90 Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees:* 13.1647–80 Textile Fiber Products Identification Act; 13.1647–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Fox River Mills, Inc., et al., Appleton, Wis., Docket C-1346, June 7, 1968]

In the Matter of Fox River Mills, Inc., a Corporation, and Joseph R. Lessard, Individually and as an Officer of Said Corporation

Consent order requiring an Appleton, Wis., sock manufacturer to cease misbranding its wool and textile fiber products and furnishing false guarantees.

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

It is ordered, That respondents Fox River Mills, Inc., a corporation, and its officers, and Joseph R. Lessard, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the manufacture for introduction into commerce, the introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of wool products as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

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

It is further ordered, That respondents Fox River Mills, Inc., a corporation, and its officers, and Joseph R. Lessard, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by:

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

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Fox River Mills, Inc., a corporation, and its officers, and Joseph R. Lessard, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

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

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

Issued: June 7, 1968.

By the Commission.

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

[F.R. Doc. 68-7722; Filed, June 28, 1968; 8:45 a.m.]

[Docket No. C-1345]

PART 13—PROHIBITED TRADE PRACTICES

Marsi Dress Corp. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Marsi Dress Corp. et al., New York City, N.Y., Docket C-1345, June 4, 1968]

In the Matter of Marsi Dress Corp., a Corporation, and Joseph Silverstein and Martin Friedland, Individually and as Officers of Said Corporation, and William Underwood, Individually and as Part Owner of Said Corporation

Consent order requiring a New York City manufacturer of womens clothing to cease misbranding its textile fiber products and failing to maintain required records.

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

It is ordered, That respondents Marsi Dress Corp., a corporation, and its officers, and Joseph Silverstein and Martin Friedland, individually and as officers of said corporation, and William Underwood, individually and as part owner of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to affix labels to samples, swatches, or specimens of textile fiber products used to promote or effect the sale of such textile fiber products showing in words and figures plainly legible all the information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

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

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

Issued: June 4, 1968.

By the Commission.

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

[F.R. Doc. 68-7723; Filed, June 28, 1968; 8:45 a.m.]

[Docket No. C-1347]

PART 13—PROHIBITED TRADE PRACTICES

Royal Motors, Inc., and Raymond J. Anselmo

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* § 13.140 *Old, reclaimed or reused product being new.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1695 *Old secondhand, reclaimed or reconstructed as new;* Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Royal Motors, Inc., et al., Washington, D.C., Docket C-1347, June 14, 1968]

In the Matter of Royal Motors, Inc., a Corporation, and Raymond J. Anselmo, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C., car dealer to cease misrepresenting that its used cars are new and making deceptive financing claims in advertising its automobiles.

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

It is ordered, That respondents Royal Motors, Inc., a corporation, and its officers, and Raymond J. Anselmo, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of automobiles, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any vehicle is new when it has been used in any manner other than the limited use necessary in moving a new vehicle prior to delivery of such vehicle to the customer.

2. Advertising any used vehicle of the current or the previous model year without clearly and conspicuously disclosing in any and all advertising thereof that the vehicle is used.

3. Offering for sale or selling any vehicle of the current or the previous model year which has been used, without clearly and conspicuously disclosing by decal or sticker attached thereto that the vehicle has been used.

4. Advertising, offering for sale, or selling any vehicle of the current or the previous model year which has been used

for driver education, as a leased vehicle, as a company official car or as a demonstrator, without clearly and conspicuously disclosing such use in any and all advertising thereof and by decal or sticker conspicuously attached thereto: *Provided, however,* That in those instances in which vehicles are obtained by respondents and the use to which the vehicles have been put is not known, it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that in all such instances they have clearly disclosed the source from which the vehicle was obtained.

5. Misrepresenting, in any manner, the nature or extent of previous use of any vehicle offered for sale.

6. Representing, directly or by implication, a specified down payment amount, unless such amount is equal to or in excess of the minimum amount usually and customarily accepted as the full down payment.

7. Misrepresenting, in any manner, the amount which will be accepted as a down payment.

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

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

Issued: June 14, 1968.

By the Commission.

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

[F.R. Doc. 68-7724; Filed, June 28, 1968; 8:45 a.m.]

[Docket No. 8753]

PART 13—PROHIBITED TRADE PRACTICES

Supreme Freezer Meats, Inc., and Maynard Meyer

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155–10 Bait; § 13.175 *Quality of product or service.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1715 *Quality;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Supreme Freezer Meats, Inc., et al., Seekonk, Mass., Docket 8753, May 29, 1968]

In the Matter of Supreme Freezer Meats, Inc., a Corporation, and Maynard Meyer, Individually and as an Officer of Said Corporation

Order requiring a Seekonk, Mass., distributor of beef and other meat products to cease using bait advertising and misrepresenting the quality of its beef and other foods.

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

It is ordered, That respondents Supreme Freezer Meats, Inc., a corporation, and its officers, and Maynard Meyer, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution or beef or any other food products, do forthwith cease and desist from:

A. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

1. That any such products are offered for sale when such offer is not a bona fide offer to sell such products at the price or prices stated.

2. That any products are offered for sale when the purpose of such representations is not to sell the offered products but to obtain prospects for the sale of other merchandise at higher prices.

3. That the beef offered at 27, 31, 39, and 49 cents per pound, or at any other comparatively low price per pound is top quality meat.

4. That the beef offered at the prices aforesaid consists primarily of sirloin, T-bone, roast, porterhouse, or other top quality cuts of meat.

5. That the beef offered for sale comes primarily from the Black Angus breed of cattle.

B. Disseminating, or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements misrepresent in any manner the quality or grade of any beef or other food products.

C. Discouraging the purchase of, or disparaging in any manner, any products which are advertised or offered for sale in advertisements disseminated or caused to be disseminated in commerce, as "commerce" is defined in the Federal Trade Commission Act.

D. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondents' products in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations or misrepresentations prohibited in Paragraphs A and B above.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That Supreme Freezer Meats, Inc., a corporation, and Maynard Meyer, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: May 29, 1968.

By the Commission.

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

[F.R. Doc. 68-7726; Filed, June 28, 1968; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

EDUCATION, STATE APPROVING AGENCY APPROVAL CRITERIA

1. In § 21.4254(c), subparagraph (14) is amended to read as follows:

§ 21.4254 Nonaccredited courses.

* * * * *

(c) *Approval criteria.* * * *

(14) Such additional reasonable criteria as may be deemed necessary by the State approving agency. (38 U.S.C. 1776(c).)

2. In § 21.4261(c), subparagraphs (2) and (3) are amended to read as follows:

§ 21.4261 Apprentice courses; 38 U.S.C. Chapter 34.

* * * * *

(c) *Approval criteria.* * * *

(2) A signed copy of the training agreement for each veteran, making reference to the training program and wage schedule as approved by the State approving agency, is provided to the veteran and the Veterans Administration and the State approving agency by the employer; and

(3) The course meets such other reasonable criteria as may be established by the State approving agency. (38 U.S.C. 1683; Public Law 90-77.)

3. In § 21.4262(c), subparagraph (11) is amended to read as follows:

§ 21.4262 Other training on-the-job courses; 38 U.S.C. Chapter 34.

* * * * *

(c) *Approval criteria.* * * *

(11) The course meets such other reasonable criteria as may be established by the State approving agency. (38 U.S.C. 1777, Public Law 90-77.)

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: June 25, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON, *Deputy Administrator.*

[F.R. Doc. 68-7746; Filed, June 28, 1968; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

CONTRACT FINANCING

This amendment of the General Services Administration Procurement Regulations prescribes policies and procedures which implement and supplement Part 1–30, Contract Financing, of the Federal Procurement Regulations and provides for internal agency review and approval of the financial provisions proposed for inclusion in GSA procurement contracts.

PART 5–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5–2 is amended by the addition of the following new entry:

Subpart 5–2.2—Solicitation of Bids

Section 5–2.201–52 is added to reference the procedures regarding the review and approval of financial provisions proposed to be included in formally advertised contracts. The new section reads as follows:

§ 5–2.201–52 Financial terms and conditions.

Financial considerations, including necessary clearance requirements, pertaining to procurements by formal advertising are set forth in § 5–30.212. In the development of financial terms and conditions, including insurance provisions, for invitations for bids and resultant contracts, procuring activities shall utilize the technical advice and assistance of the appropriate finance office (see § 5–30.212(a)(4)). In addition, the policies and procedures contained in Subparts 1–10.3 and 5–10.3 should be closely followed with respect to insurance requirements.

PART 5–3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 5–3 is amended by the addition of the following new and revised entries:

Subpart 5–3.1—Use of Negotiation

Section 5–3.150 is added to reference the procedures regarding the review and approval of financial provisions proposed to be included in negotiated contracts. The new section reads as follows:

§ 5–3.150 Financial terms and conditions.

Financial considerations, including necessary clearance requirements, pertaining to procurements by negotiation are set forth in § 5–30.212. In the development of financial terms and conditions, including insurance provisions, for solicitations of proposals and resultant contracts, procuring activities shall utilize the technical advice and assistance of the appropriate finance office (see § 5–30.212(a)(4)). In addition, the policies and procedures contained in Subparts 1–10.3 and 5–10.3 should be closely followed with respect to insurance requirements.

Subpart 5–3.4—Types of Contracts

Section 5–3.450 is revised to correct an obsolete organizational reference. As revised, the section reads as follows:

§ 5–3.450 Oral commitments, Property Management and Disposal Service.

The Property Management and Disposal Service may make oral commitments for the procurement of rubber and cordage fibers and such commitments must be confirmed on the approved GSA forms for the procurement of these commodities. See § 5–52.104(a).

Part 5–30 is added which reads as follows:

PART 5–30—CONTRACT FINANCING

AUTHORITY: The provisions of this Part 5–30 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–30.1—Forms of Financing

§ 5–30.109 Partial payments—description.

Partial payments shall be made as provided in § 1–7.101–7 and Clause 7 of Standard Form 32, General Provisions (Supply Contract).

Subpart 5–30.2—Basic Policies

§ 5–30.212 Coordination before contract award.

(a) *Definitions.* As used in this § 5–30.212, the following terms shall have the meanings set forth below:

(1) "Financial provisions" means provisions for payments (generally), partial payments, progress payments, advance payments, insurance provisions, or any other financial terms and conditions contained in or proposed to be included in an invitation for bids, solicitation of proposals, or resultant contract.

(2) "Standard financial provisions" means financial provisions which have been formally prescribed by the FPR, GSPR, and any GSA issuance described under OFA P 1832.6, 1–5, 6, and 8, or otherwise authorized by the Administrator, Assistant Administrator for Administration, a Regional Administrator, or a Regional Director of Administration, as appropriate.

(3) "Nonstandard financial provisions" means financial provisions (or proposed additions, deletions, or other modifications with respect to standard financial provisions) which have not been formally prescribed in accordance with § 5–30.212 (a)(2).

(4) "Appropriate financial office" means the Director of Finance, OAD, or the Chief, Finance Division, or Financial Liaison Officer, as appropriate, for regional contracts.

(b) *Assistance in development of financial provisions.* It is imperative that adequate and appropriate financial provisions are developed or properly used in accordance with Part 1–30 and this Part 5–30. The appropriate financial office shall, upon request, provide technical advice and assistance in the development of all financial aspects of invitations for bids, solicitations of proposals, and resultant contracts. In addition, although there is no requirement to do so, advice may be requested by the procuring activity as to the adequacy of proposed contracts containing standard financial provisions.

(c) *Clearances.* Invitations for bids, requests for proposals, and amendments of existing contracts involving nonstandard financial provisions shall be forwarded to the appropriate financial office for review as early as possible during the procurement process. In all cases such review shall be prior to execution or submission of a contract to higher authority for clearance or approval. In cases of proposed additions, deletions, or other modification regarding standard financial provisions, applicable deviation procedures must also be followed.

(d) *Action by appropriate financial office.* Where a matter has been referred to a financial office for review or clearance, that office shall immediately notify the contracting officer as to the sufficiency of the financial provisions. If financial provisions are proposed which are inadequate or improper, such deficiencies will be explained together with recommended remedial measures which must be taken.

Subpart 5–30.4—Advance Payments

§ 5–30.403 Interest.

The Office of Finance, OAD, will inform procuring activities of the interest rate to be charged on the unliquidated balance of all advance payments.

§ 5–30.405 Statutory requirements.

The determination required under § 1–30.405(c) shall be prepared by the contracting officer in cooperation with the appropriate legal counsel and representatives of the Director of Finance, OAD, or the Chief, Finance Division, or Financial Liaison Officer, as appropriate, for regional contracts.

§ 5–30.406 Responsibility—delegation of authority.

The responsibility and authority for making findings and determinations with respect to advance payments, and in each case for approval of contract provisions for advance payments, or for approval of the terms and conditions thereof, shall be exercised by the Head of the Service or Staff Office concerned, or his designee.

§ 5–30.410 Findings, determinations, and authorization.

The findings, determinations, and authorizations for advance payments provided under § 1–30.410 shall be made by the Head of the Service or Staff Office concerned, or his designee, in accordance with § 5–30.406.

§ 5–30.412 Action by contracting officer.

See § 5–30.450.

§ 5–30.414 Agreement for special bank account and contract provisions.

§ 5–30.414–2 Contract provisions for advance payments.

The contracting officer shall prepare contract provisions for advance payments after coordination with the appropriate legal counsel and representatives of the Director of Finance, OAD, or the Chief, Finance Division, or Financial Liaison Officer, as appropriate, for regional contracts.

§ 5–30.450 Procedure for approval.

The required findings and determinations, proposed advance payments clauses, supporting data and recommendation (see § 1–30.412), and an indication of compliance with the procedures of Subpart 1–30.4 shall be submitted by the contracting officer, after coordination in accordance with §§ 5–30.405 and 5–30.414–2, to the Head of the Service or Staff Office concerned, or his designee, for review and approval.

Subpart 5–30.5—Progress Payments Based on Costs

§ 5–30.501 Percentage or stage of completion.

Provision is made for progress payments in contracts for construction, alteration, or repair in Clause 6 of Standard Form 19, Invitation, Bid, and Award (Construction, Alteration, or Repair), and in Clause 7 of Standard Form 23A, General Provisions (Construction Contract).

§ 5–30.503 Customary progress payments—standards.

§ 5–30.503–50 Use of benchmarks with progress payments based on costs.

In unusual circumstances it may be desirable for progress payments based on costs (see § 1–30.501) to provide for the achievement of specified benchmarks prior to the receipt of progress payments where payments prior to the achievement of such benchmarks are not in the best interest of the Government. For example, such a benchmark might be the submission and acceptance of a preproduction or pilot model.

(a) The making of progress payments based on costs under any individual contract or class of contracts may be conditioned, in unusual circumstances, upon the achievement of specified benchmarks during the performance of the contract where the Head of the Service or Staff Office concerned determines in writing, based on all relevant facts, that the use of such benchmarks is in the best interest of the Government. Where such a determination has been made, an appropriate provision establishing one or more such benchmarks shall be included in the invitation for bids or request for proposals and each resulting contract.

(b) Benchmarks may not be used in such a manner that their effect is to convert progress payments based on costs into progres payments based on a percentage or stage of completion. Where the use of progress payments based on a percentage or stage of completion is desired, such use shall be approved by the Head of the Service or Staff Office, as provided in § 1–30.501.

§ 5–30.504 Formal advertising—small business restricted advertising.

§ 5–30.504–1 Progress payment provision in invitation for bids.

(a) Where the contracting officer determines that the time between starting performance (usually immediately following date of award) and delivery of the first end items will be of short duration (6 months or less), the need for progress payments will ordinarily be obviated.

(b) Upon written determination by the contracting officer, provision for progress payments may be included in an invitation for bids even though one or more of the criteria enumerated in § 1–30.504–1(a)(2) or in (a) of this § 5–30.504–1 may apply. Such determination must demonstrate that provision for progress payments is practical or reasonably necessary by documenting compliance with the appropriate standards and procedure concerning unusual progress payments set forth in § 1–30.505.

§ 5–30.504–4 Notice to bidders.

When the notice set forth in § 1–30.504–4(b) is included in an invitation to bid, such notice shall include the following statement as an additional part thereof:

If a bidder desires progress payments, and accompanies his bid with a written request therefor, he shall also check the appropriate box below:

[ ] Progress payments are desired but bid is not conditioned on receiving progress payments.

[ ] Bid is conditioned on receiving progress payments.

(NOTE: 1. If a bid is conditioned on the availability of progress payments and bidder is found ineligible for such payments, the bid will be rejected. 2. Submission of a bid without requesting progress payments does not preclude the bidder from later requesting progress payments in accordance with applicable regulations, prior to or after award of the contract.)

§ 5–30.505 Unusual progress payments—standards—procedure.

The Head of the Service, Staff Office, or his designee, shall exercise responsibility for the approval or disapproval of requests for "unusual" progress payments on a case-by-case basis.

§ 5–30.510 Contract clauses.

The contracting officer shall select the appropriate progress payment clause to be used in a particular contract after coordinating the matter with appropriate legal counsel and the Director of Finance, OAD, or the Chief, Finance Division, or Financial Liaison Officer, as appropriate, for regional contracts.

§ 5–30.511 General instructions for progress payment clauses.

For general explanation and illustrations of the limitations (expressed in terms of the percentages specified in §§ 1–30.511–2, 1–30.511–3, and 1–30.511–4) on amounts of payments and liquidation incorporated in the progress payments clauses, see § 5–30.551.

§ 5–30.511–2 Variation in percentages.

Provision for progress payments based on costs at rates in excess of 70 percent of total costs or 85 percent of direct labor and materials costs (either or both), as stated in paragraph (a) (1) of the clauses in §§ 1–30.510–1 and 1–30.510–2, or in excess of the respective percentages applicable to contracts with small business concerns (see §§ 1–30.503, 1–30.504–2, and 1–30.504–3), shall be made only with the approval of the Head of the Service or Staff Office, or his designee, and the Director of Finance, OAD, or the Regional Director of Administration for regional contracts, in accordance with the standards and procedures set forth in § 1–30.505.

§ 5–30.512 Progress payment liquidation.

Recovery at rates lower than those specified in paragraph (b) of the clauses in §§ 1–30.510–1 and 1–30.510–2 may be made only with the approval of the Head of the Service or Staff Office, or his designee, and the Director of Finance, OAD, or the Regional Director of Administration for regional contracts. The Office of Finance, or the Chief, Finance Division, or Financial Liaison Officer, as appropriate, in the case of regional contracts, will provide assistance to contracting officers in estimating costs for the purpose of establishing the liquidation rate.

§ 5-30.517 **Contract financing office clearance.**

The contract finance office clearance required by § 1-30.517 shall be the responsibility of the Director of Finance, OAD, or the Regional Director of Administration for regional contracts.

§ 5-30.521 **Administration—general.**

The Office of Finance, OAD, shall establish adequate administrative and fiscal procedures to ensure the accomplishment of the fiscal aspects of § 1-30.-521. The Director of Finance, OAD, or the Chief, Finance Division, for the appropriate regional accounting center, shall promptly report to the contracting officer the date and amount of each progress payment to a contractor and shall provide the contracting officer with written recommendations whenever findings are made which warrant action by the Government (see § 1-30.216).

§ 5-30.524 **Suspension or reduction of payments—general.**

Action recommended by the contracting officer under § 1-30.524 shall be submitted to the Head of the Service or Staff Office, or his designee, for approval after coordination with the appropriate legal counsel and representatives of the Director of Finance, OAD, or the Chief, Finance Division, or Financial Liaison Officer, as appropriate, for regional contracts. The circumstances and decision shall be documented in an appropriate finding as provided in § 1-30.524.

§ 5-30.525 **Government title.**

In the interest of clarifying the provision of § 1-30.525, it should be noted that (a) the clauses in § 1-30.510-1(a) and 2(a) provide for the passage of title to property to the Government as of the date of the contract, and (b) the clauses in § 1-30.510-1(b) and 2(b) provide for the passage of title to property to the Government when any progress payment is made under the contract.

§ 5-30.550 **Eligibility for progress payments.**

(a) Contracting officers shall determine the eligibility of contractors or prospective contractors to receive progress payments. The determination shall be approved by the Head of the Service or Staff Office, or his designee, and the contractor or prospective contractor and the Office of Finance, OAD, or the Chief, Finance Division, or Financial Liaison Officer, as appropriate, for regional contracts, shall be so notified (see § 1-30.-507). Contract files shall include appropriate documentation which supports such determinations.

(b) To be eligible to receive a progress payment, a contractor or prospective contractor must:

(1) Have submitted a written request therefor;

(2) Have been found responsible under the provisions of §§ 1-1.310, 5-1.310, and 1-30.210; and

(3) Have an accounting system and controls adequate for the proper administration of the Progress Payments clause as described in § 1-30.506.

§ 5-30.551 **Explanation of limitations and illustrations of their application.**

In accordance with § 1-30.510, all progress payment clauses must include limitations expressed in terms of percentages, controlling the total amount of each progress payment, the aggregate amount of progress payments, the rate of liquidation of progress payments, and the amount of unliquidated progress payments. These limitations are described in (a) through (d) of this § 5-30.551.

(a) A limitation on the total amount of each progress payment, expressed in terms of the cumulative costs to the contractor which are allocable to the contract (referred to in this § 5-30.551 as "percentage A"), and included in paragraph (a)(1) of the clauses set forth in §§ 1-30.510-1 and 1-30.510-2.

(b) A limitation on the aggregate amount of progress payments, expressed in terms of a percentage of the total contract price (referred to in this § 5-30.551 as "percentage B"), and included in paragraph (a)(4) of the clauses set forth in §§ 1-30.510-1 and 1-30.510-2(a) and in the second percentage space indicated in paragraph (a)(3) of the clause set forth in § 1-30.510-2(b).

(c) A limitation, expressed in terms of a percentage, prescribing the minimum portion of the payments for delivered items which must be applied toward the reduction of unliquidated progress payments (referred to in this § 5-30.551 as "percentage C"), and included in paragraph (b) of the clauses set forth in §§ 1-30.510-1 and 1-30.510-2.

(d) A limitation on the amount of unliquidated progress payments at any one time, expressed in terms of the percentage specified in paragraph (a)(3) of the clauses set forth in §§ 1-30.510-1 and 1-30.510-2(a) and in the first percentage space indicated in paragraph (a)(3) of the clause set forth in § 1-30.510-2(b) (referred to in this § 5-30.551 as "percentage D"), which provides that the amount of such unliquidated progress payments shall not exceed the lesser of the specified percentage ("percentage D") of either (1) the contractor's total costs or costs of direct labor or material, as the case may be, plus any unliquidated progress payments to subcontractors, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (2) the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

§ 5-30.551-1 **Total costs basis.**

When either of the total costs type progress payments clauses set forth in § 1-30.510-1 is used, the maximum payments made ("percentage A") may not ordinarily exceed 70 percent of the cumulative total costs allocable to the contract (see § 5-30.511-2 regarding use of higher percentages). Under these clauses, percentage A is established first, and percentages B, C, and D are always the same as percentage A, except that a lower percentage for percentage C may be established pursuant to § 1-30.512-2. A discussion of these percentages and related computations are set forth in detail in §§ 1-30.511-3 and 1-30.512.

§ 5-30.551-2 **Direct labor and materials costs basis.**

When the progress payment clause is based on costs of direct labor and materials (or based on narrower and more limited costs such as direct labor only, or specified direct costs other than direct labor and material costs) utilizing the types of clauses set forth in § 1-30.512-2, the maximum progress payments made ("percentage A") may not ordinarily exceed 85 percent of the cumulative direct labor and materials costs (or other specified costs) allocable to the contract. Under these types of clauses, percentage A is established first (see § 5-30.511-2 regarding the use of higher percentages). The percentage used for B, C, and D equals the percentage which is to percentage A as the amount of estimated costs forming the basis for the progress payments is to the amount of the estimated total costs. (For a percentage C lower than the percentage computed pursuant to this method and § 1-30.512-1(b), see § 1-30.512-2). A discussion of the percentages and related computations for these clauses are set forth in detail in §§ 1-30.511-4, 1-30.511-5, and 1-30.512.

§ 5-30.551-3 **Illustrations.**

(a) In (b) and (c) of this § 5-30.551-3, the following hypothetical contract values are used to illustrate the computation and application of the limiting percentages described in this § 5-30.551:

(1) Total contract value: $100,000.

(2) Total costs: $90,000.

(3) Costs of direct labor and materials: $63,000.

(4) Value of delivered items at contract prices: $60,000.

(5) Value of undelivered items at contract prices: $40,000.

(6) Value of invoice submitted for payment of delivered items: $60,000.

(7) Percentage A (total costs basis): 70 percent.

(8) Percentage A (direct labor and materials costs basis): 85 percent.

(b) Under a total costs clause, percentage A is 70 percent by hypothesis (see § 5-30.551-3(a)(7)) and percentages B, C, and D are 70 percent by definition. Accordingly, the dollar values of the factors corresponding to the limiting percentages are as follows.

Filactor mited by percentage	Computation	Limit value of factor
A	$90,000 x 70%	$63,000.
B	$100,000 x 70%	$70,000.
C	$60,000 x 70%	$42,000.
D	$40,000 x 70%	$28,000.

(c) Under a direct labor and materials costs clause, percentage A is 85 percent by hypothesis (see § 5-30.551-3(a)(8)). By definition, percentages B, C, and D are computed:

(1) By establishing a ratio as follows:

Percentages (B, C, or D)	Costs of direct Percentage A=labor and materials	Total costs
(B, C, or D)	0.85=$63,000	$90,000.

(2) Calculating the percentages as follows:

$$(B, C, \text{ or } D) = 0.85 \times \frac{63,000}{90,000}$$

$(B, C, \text{ or } D) = 0.85 \times 0.70$

(B, C, or D) = 0.60 or 60% (Percentage rounded off for purposes of this illustration.)

Factor limited by percentage	Computation	Limit value of factor
A	$63,000 x 85%	$53,500.
B	$100,000 x 60%	$60,000.
C	$60,000 x 60%	$36,000.
D	$40,000 x 60%	$24,000.

PART 5-51—CONTRACT FINANCING

Part 5-51 is deleted in its entirety.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 24, 1968.

Dated: June 24, 1968.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 68-7728; Filed, June 28, 1968; 8:45 a.m.]

Chapter 8—Veterans Administration

PART 8-14—INSPECTION AND ACCEPTANCE

Inspection at Destination and Supply Depot Selection of Samples for Test

1. Sections 8-14.105-3 and 8-14.105-52 are added to read as follows:

§ 8-14.105-3 Inspection at destination.

(a) When inspection upon delivery indicates the items received are not in compliance with contract requirements, a report will be made to the contracting officer.

(b) VA supply depots will report all instances of noncompliance to the contracting officer on VA Form 10-2055, Sample Transmittal Sheet and Inspection Report. The supply depots are authorized to correct packaging, packing or marking not in accordance with contract requirements when the cost does not exceed $50. The corrections made and the actual amount to be charged to the vendor will be shown on the reverse of VA Form 10-2055.

§ 8-14.105-52 Supply depot selection of samples for test.

(a) The number of samples to be selected will be as stated in the item specifications or as specified by the contracting officer for items without lot numbers.

(b) On items bearing lot numbers, one unit will be selected from each lot to be tested, unless otherwise specified. Contracts will require that the contractor's shipping document or packing list indicate the lot numbers of items shipped to each depot and subdepot on the contract. To reduce handling and transportation costs, samples of lots received at more than one location will be submitted as follows:

(1) The VA Supply Depot, Hines, Ill., will submit samples from all lots received.

(2) The VA Supply Depot, Somerville, N.J., will submit samples from lots not received at Hines.

(3) The VA Subdepot, Bell, Calif., will submit samples from lots not received at Hines or Somerville.

(c) On drug items, when there is only one unit in the lot to be tested or when five or more lots on the same order require sampling, the contracting officer will be notified and requested to furnish instructions. Such notification will be transmitted by teletype.

(d) To facilitate handling and packing, samples may be consolidated into one package. However, under no circumstances will shipment of samples be held more than 48 hours from time of receipt.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: June 25, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-7747; Filed, June 28, 1968; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17891; FCC 68-657]

PART 91—INDUSTRIAL RADIO SERVICES

Use of Certain Frequencies by Central Station Protection Industry

Report and order. In the matter of amendment of Part 91 of the Commission's rules concerning the use of certain frequencies in the 952-960 Mc/s band by the central station protection industry, and for other purposes; Docket No. 17891, RM-798.

1. On November 29, 1967, the Commission issued its notice of proposed rule making in the above-entitled proceeding which was published in the FEDERAL REGISTER on December 5, 1967, 32 F.R. 17440. The time for filing comments and reply comments has expired.

2. In that notice the Commission proposed to amend its rules to allow persons rendering a central station commercial protection service to obtain licenses on a regular, rather than developmental, basis for the use of the frequencies 952.1, 952.2, 952.3, and 952.4 Mc/s and the frequency pairs 952.8-956.4, 952.9-956.5, 956.2-959.8, and 956.3-959.9 Mc/s. It was also proposed to allow the use of maximum power output of 100 watts on the above frequencies in the Industrial Radio Services. These frequencies are available in almost all Safety and Special Radio Services for omnidirectional operations on a developmental basis. The notice was issued in response to a petition (RM-798) filed by the Central Station Electrical Protection Association (CSEPA) and the Controlled Companies, American District Telegraph Co. (ADT).

3. Comments have been filed by the petitioners, the Central Committee on Communication Facilities of the American Petroleum Institute (API), the National Committee for Utilities Radio (NCUR), the Association of American Railroads (AAR), and the Washington State Highway Commission, Department of Highways (DOH). Reply comments were filed by CSEPA and ADT. All comments have been considered. With the exception of DOH, the comments supported our proposals, but suggested a number of modifications. These suggestions are discussed below.

4. DOH was concerned that operation on some of the frequencies under consideration with power of 100 watts might affect adversely operations on adjacent channels which are available for control and repeater and other fixed systems. ADT and CSEPA in their reply comments argued that the difference in power, from 30 to 100 watts, would not increase significantly the interference potential to adjacent channel operations. Also, as pointed out by these parties, under our licensing policy for microwave systems, existing operations in this band would be afforded reasonable protection from interference from new systems.

5. API proposed that one frequency of each frequency pair be allocated for omnidirectional transmissions from the central or interrogating station and the other be allocated for use by the outlying stations, which would utilize directional antennas. The former should be limited to 30 watts output power and the latter to 10 watts output. We believe that the suggestion to permit omnidirectional transmissions only from the central station in a system is sound. It would seem that outlying stations would need to transmit only to the central station which can be done by directional antennas. Directional antennas at the outlying stations would tend to reduce the outward interference potential of these stations and make closer reuse of the frequency they occupy possible. It is noted that CSEPA and ADT in their reply comments did not oppose this suggestion.

Therefore, it is adopted. Accordingly, of each frequency pair, the one at the lower end of the band is designated for directional use. That is, the frequencies 952.8, 952.9, 956.2, and 956.3 Mc/s are allocated for directional operation and the frequencies 956.4, 956.5, 959.8, and 959.9 Mc/s are allocated for omnidirectional operation. Applicants will be required to use directional antennas at the outlying stations as indicated in the rules being adopted herein.

6. With respect to API's suggestion for reducing the maximum permissible power, we believe that the outlying stations, using directional antennas capable of fairly high gain and directivity, will not require more than 30 watts power output. However, regarding the central station, the omnidirectional antennas that will be required and the widely dispersed locations of protected sites warrant provision for higher power to insure adequate signal strength for satisfactory operation. Accordingly, omnidirectional stations will be permitted a maximum transmitter output of 100 watts in the Industrial Radio Services.

7. In line with the two preceding paragraphs, in single frequency systems on the unpaired frequencies (952.1, 952.2, 952.3, and 952.4 Mc/s), the outlying stations will be required to use directional antennas and output power of not more than 30 watts. The central stations will be authorized to use omnidirectional antennas and up to 100 watts output power.

8. The API and NCUR urged that the frequencies under consideration be made available on a regular basis also in the Power and Petroleum Radio Services. We believe this would be premature because, although both organizations have indicated that their members plan to use these frequencies in the future, they have not yet developed systems and operations on them. However, these frequencies are, as formerly, available for developmental operation and when systems and operations have been developed, the rules can be amended to permit licensing on a regular basis.

9. AAR requested that Part 93 of the rules be amended in line with the amendment of Part 91. The only significant differences between the Land Transportation Radio Services and the Industrial Radio Services in the use of the subject frequencies are those resulting from this proceeding. That is, in the Land Transportation Radio Services, output power on the paired frequencies is still restricted to 30 watts and those pairs have not been divided to allocate one frequency of each pair to control stations and the other to outlying stations employing directional antennas. Since licensees in those Services have not yet set up developmental systems, we believe that the request for amendment of Part 93 is premature. If operations on these frequencies are developed in the Railroad and other Services, appropriate adjustments in power and other matters may then be made as necessary.

10. CSEPA and ADT, in their comments and reply comments, repeated their request that an Industrial Protection Radio Service be established. This request was denied in Docket 13847 (see second report and order, released Feb. 9, 1968, FCC 68-128). Thus, there is no need to consider this request in this proceeding.

11. Finally, the notice of proposed rule making also referred to a question raised by API in its opposition to the captioned petition (RM-798) of whether the protection industry may be a common carrier and subject to the provisions of Title II of the Communications Act of 1934, as amended. It was stated that the Commission did not regard the industry as a communications common carrier, but that interested parties might direct comments to the question. None of the comments filed discussed the issue, and we do not believe that further discussion of this question is warranted.

12. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, That, effective August 5, 1968, Part 91 of the Commission's rules is amended as set forth below.

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

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

Adopted: June 24, 1968.

Released: June 25, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended as follows:

1. In § 91.111(a), footnotes 8 and 9 to the table therein are amended to read:

§ 91.111 Microwave technical standards.

(a) * * *

[8] Except for the frequencies 952.1, 952.2, 952.3, 952.4, 956.4, 956.5, 959.8, and 959.9 Mc/s where the antenna may be omnidirectional, and except for the frequencies 952.8, 952.9, 956.2, and 956.3 Mc/s which may be used only with directional antennas with a minimum gain of 7.5 dBd in the major lobe and no more than −3dBd gain in any direction 90° or more off the axis of the major lobe.

[9] Except for the frequencies 952.1, 952.2, 952.3, 952.4, 956.4, 956.5, 959.8, and 959.9 Mc/s where the maximum power may be 100 watts.

* * * * *

2. In § 91.254, the Frequency Table in paragraph (a) is amended to add Limitation 15 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and 956.3–959.9 Mc/s; and subparagraphs (13), (14), and (15) of paragraph (b) are amended as follows:

§ 91.254 Frequencies available.

(a) * * *

POWER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Mc/s		
* * *	* * *	* * *
Paired frequencies		
952.8 956.4	do	13, 15
952.9 956.5	do	13, 15
* * *	* * *	* * *
956.2 959.8	do	13, 15
956.3 959.9	do	13, 15
* * *	* * *	* * *

(b) * * *

(13) Available on a developmental basis only for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair.

(14) Available on a developmental basis only for omnidirectional operation by central stations and for directional operation by outlying stations.

(15) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

3. In § 91.304, the Frequency Table in paragraph (a) is amended to add limitation 19 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and 956.3–959.9 Mc/s; and subparagraphs (17), (18), and (19) of paragraph (b) are amended as follows:

§ 91.304 Frequencies available.

(a) * * *

PETROLEUM RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Mc/s		
* * *	* * *	* * *
Paired frequencies		
952.8 956.4	do	17, 19
952.9 956.5	do	17, 19
* * *	* * *	* * *
956.2 959.8	do	17, 19
956.3 959.9	do	17, 19
* * *	* * *	* * *

(b) * * *

(17) Available on a developmental basis only for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair.

(18) Available on a developmental basis only for omnidirectional operation by central stations and for directional operation by outlying stations.

(19) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

4. In § 91.354, the Frequency Table in paragraph (a) is amended to add limitation 19 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and

[1] Dissenting statement of Commissioner Cox in which Commissioners Wadsworth and Johnson join, filed as part of original document.

956.3–959.9 Mc/s; and subparagraphs (17), (18), and (19) of paragraph (b) are amended as follows:

§ 91.354 Frequencies available.

(a) * * *

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Mc/s		
* * *	* * *	* * *
Paired frequencies		
952.8 956.4	do	17, 19
952.9 956.5	do	17, 19
* * *	* * *	* * *
956.2 959.8	do	17, 19
956.3 959.9	do	17, 19
* * *	* * *	* * *

(b) * * *

(17) Available on a developmental basis only for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair.

(18) Available on a developmental basis only for omnidirectional operation by central stations and for directional operation by outlying stations.

(19) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

5. In § 91.404, the Frequency Table in paragraph (a) is amended to add limitation 10 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and 956.3–959.9 Mc/s; and subparagraphs (8), (9), and (10) of paragraph (b) are amended as follows:

§ 91.404 Frequencies available.

(a) * * *

MOTION PICTURE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Mc/s		
* * *	* * *	* * *
Paired frequencies		
952.8 956.4	do	8, 10
952.9 956.5	do	8, 10
* * *	* * *	* * *
956.2 959.8	do	8, 10
956.3 959.9	do	8, 10
* * *	* * *	* * *

(b) * * *

(8) Available on a developmental basis only for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair.

(9) Available on a developmental basis only for omnidirectional operation by central stations and for directional operation by outlying stations.

(10) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

6. In § 91.454, the Frequency Table in paragraph (a) is amended to add Limitation 8 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and 956.3–959.9 Mc/s; and subparagraphs (6), (7), and (8) of paragraph (b) are amended as follows:

§ 91.454 Frequencies available.

(a) * * *

RELAY PRESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Mc/s		
* * *	* * *	* * *
Paired frequencies		
952.8 956.4	do	6, 8
952.9 956.5	do	6, 8
* * *	* * *	* * *
956.2 959.8	do	6, 8
956.3 959.9	do	6, 8
* * *	* * *	* * *

(b) * * *

(6) Available on a developmental basis only for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair.

(7) Available on a developmental basis only for omnidirectional operation by central stations and for directional operation by outlying stations.

(8) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

7. In § 91.504, the Frequency Table in paragraph (a) is amended to add Limitation 17 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and 956.3–959.9 Mc/s; and subparagraphs (15), (16), and (17) of paragraph (b) are amended as follows:

§ 91.504 Frequencies available.

(a) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
* * *	* * *	* * *	* * *
Paired frequencies			
952.8 956.4	do	do	15, 17
952.9 956.5	do	do	15, 17
* * *	* * *	* * *	* * *
956.2 959.8	do	do	15, 17
956.3 959.9	do	do	15, 17
* * *	* * *	* * *	* * *

(b) * * *

(15) Available on a developmental basis only for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair.

(16) Available on a developmental basis only for omnidirectional operation by central stations and for directional operation by outlying stations.

(17) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

8. In § 91.554, the Frequency Table in paragraph (a) is amended to add Limitation 24 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and 956.3–959.9 Mc/s; and subparagraphs (22), (23), and (24), of paragraph (b) are amended as follows:

§ 91.554 Frequencies available.

(a) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
Mc/s			
* * *	* * *	* * *	* * *
Paired frequencies			
952.8 956.4	do	do	22, 24
952.9 956.5	do	do	22, 24
* * *	* * *	* * *	* * *
956.2 959.8	do	Radio alarm	22, 24
956.3 959.9	do	do	22, 24
* * *	* * *	* * *	* * *

(b) * * *

(22) Available only for duplex operation, with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair, to persons rendering a central station commercial protection service. Central station commercial protection service is defined as those electrical protection and supervisory services rendered from and by a central station approved by one or more of the

recognized rating bureaus and/or the Underwriters' Laboratories, Inc. (UL).

(23) Available only to those persons rendering a central station commercial protection service, for omnidirectional operation by central stations and for directional operation by outlying stations. Central station commercial protection service is defined as those electrical protection and supervisory services rendered from and by a central station approved by one or more of the recognized rating bureaus and/or the Underwriters' Laboratories, Inc. (UL).

(24) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

9. In § 91.730, the Frequency Table in paragraph (a) is amended to add Limitation 11 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and 956.3–959.9 Mc/s; and subparagraphs (9), (10), and (11) of paragraph (b) are amended as follows:

§ 91.730 Frequencies available.

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Mc/s		
* * *	* * *	* * *
Paired frequencies		
952.8 956.4	do	9, 11
952.9 956.5	do	9, 11
* * *	* * *	* * *
956.2 959.8	do	9, 11
956.3 959.9	do	9, 11
* * *	* * *	* * *

(b) * * *

(9) Available on a developmental basis only for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair.

(10) Available on a developmental basis only for omnidirectional operation by central stations and for directional operation by outlying stations.

(11) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

10. In § 91.754, the Frequency Table in paragraph (a) is amended to add Limitation 8 to the frequency pairs 952.8–956.4, 952.9–956.5, 956.2–959.8, and 956.3–959.9 Mc/s; and subparagraphs (6), (7), and (8) of paragraph (b) are amended as follows:

§ 91.754 Frequencies available.

(a) * * *

TELEPHONE MAINTENANCE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Mc/s		
* * *	* * *	* * *
Paired frequencies		
952.8 956.4	do	6, 8
952.9 956.5	do	6, 8
* * *	* * *	* * *
956.2 959.8	do	6, 8
956.3 959.9	do	6, 8
* * *	* * *	* * *

(b) * * *

(6) Available on a developmental basis only for duplex operation on the paired frequencies with omnidirectional operation on the higher frequency of the pair and directional operation on the lower frequency of the pair.

(7) Available on a developmental basis only for omnidirectional operation by central stations and for directional operation by outlying stations.

(8) The maximum rated power output of transmitters authorized to operate on this frequency is 100 watts for omnidirectional central stations and 30 watts for directional outlying stations.

* * * * *

[F.R. Doc. 68-7714; Filed, June 28, 1968; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Change of Interest Rate

JUNE 26, 1968.

Public Law 89–85 amended section 4 of the Fish and Wildlife Act of 1956 by providing that any fishery loan shall "Bear an interest rate of not less than (a) a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus (b) such additional charge, if any, toward covering other costs of the program as the Secretary may determine to be consistent with its purpose." The average market yield of such outstanding obligations was 5⅞ percent as of May 31, 1968. In order to insure compliance with the Public Law 89–85, in case of any further increases in the average market yield it is necessary to increase the interest rate charged on fisheries loans authorized on and after July 1, 1968, from 6 percent to 6½ percent.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003).

In view of the necessity for making the effective date as soon as possible, this amendment is hereby adopted and will become effective on July 1, 1968.

Section 250.10 is amended by deleting "6 percent" and substituting "6½ percent" therefor.

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

[F.R. Doc. 68-7745; Filed, June 28, 1968; 8:47 a.m.]

PART 255—FISHING VESSEL MORTGAGE INSURANCE PROCEDURES

Change in Permissible Interest Rate

JUNE 26, 1968.

The Act of June 15, 1968 (Public Law 90–341; 82 Stat. 180) amended section 1104(a)(5) of the Merchant Marine Act, 1936, as amended as follows:

(5) shall secure bonds, notes, or other obligations bearing interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;

The Act of July 5, 1960 (Public Law 86–577, 74 Stat. 314) authorizes the Secretary of the Interior to exercise authority comparable to that of the Secretary of Commerce regarding mortgage and loan insurance on fishing vessels. The purpose of this amendment is to bring the regulations on this program into conformity with the above amendment to the Merchant Marine Act of 1936, as amended.

This amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedures Act (5 U.S.C. 1003). Furthermore this amendment has the effect of relaxing previous restrictions and so should be made effective immediately. This amendment is hereby adopted and will become effective on the date of its publication in the FEDERAL REGISTER.

Section 255.3(a)(5) is amended to read as follows:

§ 255.3 Eligibility requirements.

(a) * * *

(5) Shall secure bonds, notes, or other obligations bearing interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of the Interior.

* * * * *

WILLIAM M. TERRY,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-7752; Filed, June 28, 1968; 8:47 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 135]

FOURTH CLASS

Conditions for Mailing 1,000 or More Pieces in a Single Mailing at the Special Fourth-Class Rate or at the Library Rate

Notice is hereby given of proposed rule making consisting of the addition of a new paragraph (a)(6) to § 135.2 of Title 39, Code of Federal Regulations. The proposed addition of new paragraph (a)(6) is made pursuant to authority in section 108(a) of Public Law 90-206 approved December 16, 1967, and would prescribe presorting requirements of articles mailed in quantities of 1,000 or more pieces at the special fourth-class rate or at the library rate. The proposed presorting requirements would be effective in two stages, the first on October 1, 1968, and the second on January 15, 1969. The first stage requirement would provide that identical pieces presented in quantities of 1,000 or more in a single day be separated and placed in sacks by the mailer, and the second stage requirement would provide that each piece presented in a single day of 1,000 or more pieces include the complete ZIP Code in the address and be merged and presorted by three-digit ZIP Code area.

Interested persons who may wish to submit written data, views, and arguments concerning the proposals may submit such comments to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed new paragraph (a)(6) of § 135.2 reads as follows:

NOTE: Effective October 1, 1968, § 135.2(a)(6) will read as follows:

§ 135.2 Classification.

(a) *Description.* * * *

(6) Pieces which are identical, presented in quantities of 1,000 or more in a single day for mailing under subparagraphs (4) or (5) of this paragraph, must be separated by the mailer and placed in sacks as follows:

(i) When there is sufficient quantity for a three-digit ZIP Code area to fill a sack approximately one-third full the mailer must place the pieces in a sack labeled for this area.

(ii) If the pieces remaining after the three-digit sort for any state are sufficient to fill a sack approximately one-third full they must be placed in a sack labeled for the state.

(iii) All pieces remaining after the State sacks have been prepared, must be placed in sacks labeled "Mixed States".

(iv) The total weight of pieces placed in one sack must not exceed 80 pounds.

* * * * *

NOTE: The corresponding Postal Manual section is 135.216.

NOTE: Effective January 15, 1969, § 135.2(a)(6) will read as follows:

§ 135.2 Classification.

(a) *Description.* * * *

(6) Mailers who present 1,000 or more pieces in any single day for mailing under subparagraphs (4) or (5) of this paragraph, must prepare the mailings as follows:

(i) Each piece must include the complete ZIP Code in the address.

(ii) All pieces must be merged and presorted by three-digit ZIP Code area. When there is sufficient quantity for a three-digit ZIP Code area to fill a sack approximately one-third full, the pieces must be placed in a sack labeled for this area.

(iii) If the pieces remaining after the three-digit sort for any State are sufficient to fill a sack approximately one-third full, they must be placed in a sack labeled for the State.

(iv) All pieces remaining after the State sacks have been prepared, must be placed in sacks labeled "Mixed States."

(v) The total weight of pieces placed in one sack must not exceed 80 pounds.

* * * * *

NOTE: The corresponding Postal Manual section is 135.216.

(5 U.S.C. 301, 39 U.S.C. 501, 4554(e))

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-7846; Filed, June 28, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 12]

CAPE ROMAIN NATIONAL WILDLIFE REFUGE, S.C.

Hunting of Migratory Birds; Proposed Designation of Closed Area

Notice is hereby given that it is proposed to designate as closed to the hunting of migratory birds an area of land and water in Charleston County, S.C., comprising certain areas within the boundary of and adjacent to the Cape Romain National Wildlife Refuge. This designation will supersede Presidential Proclamation No. 2000 dated June 6, 1932. The purpose of this designation is to increase the effectiveness of the refuge for the purposes for which it was established by the United States.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The text of the proposed designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U.S.C. 1003).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, an area of land and water in Charleston County, S.C., within the boundary of the Cape Romain National Wildlife Refuge, described by metes and bounds as follows:

Beginning at corner 1, situated between Bull Bay and the mainland, approximately 1,600 feet northwest from the confluence of Saltpond Creek with Graham Creek, on the southeast bank of the Intracoastal Waterway, and opposite U.S. Engineer's monument, a 4-inch cast iron pipe with bronze disc marked, "POT 00+00 OFF 160 ELEV. 5.398", on the northwest side of the Intracoastal Waterway, and at centerline station 0+00 North (toward Winyah Bay) and station 0+00 South (toward Charleston), and from which monument corner 1 of the U.S. tract (21), common to lands of the International Paper Co. (Jefferson Plantation) and A. V. Canty, marked with a 2″ x 60″ cast iron pipe with standard cap marked, "COR 1 TR 2-1, 1965", bears S. 69°20′ W., 99 feet distant; thence from said place of beginning, northeasterly in part along, and in part with the southeast bank of the Intracoastal Waterway, southeast bank of Harbor River, and then continuing with the southeast bank of the Intracoastal Waterway, approximately 42,500 feet to corner 2, the intersection of the southeast banks of the Intracoastal Waterway and Mathews Creek; thence easterly, and southeasterly along the said south bank of Mathews Creek approximately 4,500 feet to corner 3, at the mouth and on the right bank at Mathews Creek at Five Fathom Creek; thence S. 45°00′ E., crossing Five Fathom Creek, approximately 600 feet to corner 4, on the southeasterly or left bank of Five Fathom Creek, thence northeasterly in part along the southeast bank of Five Fathom Creek to Clubhouse Creek and then along the southeast bank of Clubhouse Creek, crossing DuPree Creek to the northwest corner of an unnamed island lying between DuPree and

Skrine Creeks and continuing along the north bank of said unnamed island and also a smaller unnamed island lying to the east and crossing Skrine Creek, approximately 16,000 feet to corner 5, at the mouth and on the southeast bank of Skrine Creek; thence northeasterly along the southeast bank of Skrine Creek and projection thereof approximately 9,500 feet to corner 6, the intersection of said projection, with the east bank of Casino Creek; thence northerly along said east bank of Casino Creek, approximately along said east bank of Casino Creek, approximately 9,600 feet to corner 7, the intersection of the said east bank of Casino Creek with south bank of the Intracoastal Waterway, thence northeasterly along south bank of the said waterway, approximately 3,300 feet to corner 8, the intersection of said south bank with the southwest boundary of plantation known as "Ormond Hall"; thence S. 53°27′ E., with part of said southwest boundary approximately 1,678 feet to corner 9, the most northerly point of the Staples and Manigault Tract; thence with five lines common to said tract S. 13°51′ W., 2,125 feet to corner 10; S. 32°37′ E., 2,658 feet to corner 11; S. 64°25′ E., 646 feet to corner 12; N. 62°57′ E., 2,319 feet to corner 13, on the right bank of Alligator Creek; thence southerly down the west or right bank of Alligator Creek approximately 9,200 feet to corner 14, at the mouth and on the right bank of Alligator Creek and the Atlantic Ocean; thence southeasterly crossing the inlet to Cape Romain Harbor, approximately 6,900 feet to corner 15, the most northerly point of Cape Island; thence southerly with the Atlantic Ocean along the east and south sides of Cape Island approximately 15,840 feet to corner 16, the most westerly point on Cape Island; thence with two lines within the Atlantic Ocean, west approximately 15,800 feet to corner 17, a point due south of the mouth at the right or west side of Key Inlet; north approximately 5,000 feet to corner 18 at the said mouth of Key Inlet, and in the line of the Atlantic Ocean and on the south side of Raccoon Key; thence westerly along the south side of Raccoon Key, approximately 31,250 feet to corner 19, the most northeasterly point on Bulls Island; thence southwesterly, in part along the north side of Bulls Island, and in part along the south side of Bull Creek, approximately 28,000 feet to corner 21, at the intersection of the south side of Bull Creek with the east side of Sewee Bay; thence northerly and westerly along the east side and north side of Sewee Bay, approximately 28,000 feet to corner 22, the intersection of the said north side of Sewee Bay with the southeast bank of the Intracoastal Waterway, thence northeasterly along said southeast bank, approximately 25,000 feet to the place of beginning.

CLARENCE F. PAUTZKE,
Deputy Assistant Secretary of the Interior.

JUNE 25, 1968.

[F.R. Doc. 68-7739; Filed, June 28, 1968; 8:46 a.m.]

[50 CFR Part 32]

SENEY NATIONAL WILDLIFE REFUGE, MICH.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Endangered Species Preservation Act of October 15, 1966 (80 Stat. 926, 16 U.S.C. 668aa), it is proposed to amend 50 CFR 32.11 and 32.21 by the addition of Seney National Wildlife Refuge, Mich., to the list of areas open to the hunting of migratory game birds and upland game as legislatively permitted.

It has been determined that regulated hunting of migratory game birds and upland game may be permitted as designated on the Seney National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following addition:

§ 32.11 List of open areas; migratory game birds.

* * * * *

MICHIGAN

Seney National Wildlife Refuge.

* * * * *

2. Section 32.21 is amended by the following addition:

§ 32.21 List of open areas; upland game.

* * * * *

MICHIGAN

Seney National Wildlife Refuge.

* * * * *

JOHN S. GOTTSCHALK,
Director, Bureau of Sport Fisheries and Wildlife.

JUNE 25, 1968.

[F.R. Doc. 68-7729; Filed, June 28, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Marketable Quantity for 1968-69 Season; Uniform Percentage; and Limitation on Handling

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967) regulating the handling of celery grown in Florida. This progarm is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

§ 967.304 Marketable Quantity for 1968-69 season; Uniform Percentage; and limitation on handling.

(a) The Marketable Quantity for the 1968-69 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1968-69 season is determined as 84.312 percent.

(c) During the season August 1, 1968, through July 31, 1969, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1968-69 season is established.

(e) Terms used herein shall have the same meaning as when used in the marketing agreement and order.

Dated: June 26, 1968.

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

[F.R. Doc. 68-7759; Filed, June 28, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 23, 25, 73, 74, 87, 89, 91, 93]

[Docket No. 18180]

PROTECTION OF TABLE MOUNTAIN, BOULDER, COLO., FROM RADIO INTERFERENCE

Order Extending Time for Filing Comments

1. The Commission has before it a motion for extension of time in which to file comments in the above-captioned proceeding. The motion was filed on June 14, 1968, by International Electronic Development Corp. (IEDC), and requests that the time for filing comments be extended from June 18, 1968, to September 18, 1968.

2. The proposed rules concern the protection form harmful interference of a radio experimental receiving station operated by the Environmental Science Services Administration (ESSA), Department of Commerce, at Table Mountain, Boulder, Colo.

3. In support of its request, IEDC states that an initial decision has been issued granting it a construction permit for a Class C FM station to operate on Channel 234 in Boulder, Colo.; that

Boulder is within the area affected by the proposed rule; and that existing broadcasters in the affected area have expressed concern and have indicated to IEDC that they would file comments if the requested extension were granted. No reason is stated for the failure of interested stations to file comments within the 39-day period originally provided for this purpose or as to the reason why an additional 92 days is now needed for comment.

4. Nevertheless, since we would prefer to have the views of any interested person to final action in this proceeding, the time for filing comments will be extended for 30 days.

Accordingly, it is ordered, That the time for filing comments in this proceeding is extended to July 18, 1968, and that the time for filing reply comments is extended to July 29, 1968.

Adopted: June 24, 1968.

Released: June 25, 1968.

[SEAL] HENRY GELLER, *General Counsel.*

[F.R. Doc. 68-7753; Filed, June 28, 1968; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 464]

EXEMPTIONS FROM BONDING REQUIREMENTS

Investment Advisers and Banks and Trust Companies

Correction

In F.R. Doc. 68-7525 appearing at page 9346 of the issue for Wednesday, June 26, 1968, in the second line of paragraph 1, the reference to "State regulation" should read "Federal regulation".

FEDERAL MARITIME COMMISSION

[46 CFR Parts 531, 536]

[Docket No. 68-33]

STATE OF ALASKA FERRY SYSTEM

Exemptions

Notice is hereby given that the Federal Maritime Commission is considering the promulgation of a rule which would in certain respects exempt the carriage of persons and property by vessels operated by the State of Alaska from the Intercoastal Shipping Act, 1933, and sections 18 (a) and (b), Shipping Act, 1916.

The first exemption would cover operations conducted by vessels operated by the State of Alaska between Prince Rupert, Canada, and ports in southeastern Alaska with respect to the transportation of passengers and property: *Provided,* That: (1) The carriage of property is limited to vehicles; (2) the tolls for the vehicles so transported are levied solely on the basis of space utilized rather than weight or contents of the vehicle, and such tolls are the same regardless of whether the vehicle is loaded or empty; (3) the operator of the vessel does not move the vehicles on or off the ship; and (4) the carrier does not participate in any joint rates establishing through routes or in any other type of agreements with any other carrier.

The second exemption would cover operations by vessels of the State of Alaska between the Port of Seattle, Wash., and Prince Rupert, Canada.

The third exemption would cover operations by vessels of the State of Alaska between the Port of Seattle, Wash., and ports in southeastern Alaska.

The second and third exemption would be restricted to the transportation of passengers, commercial busses carrying passengers, personal vehicles, and personal effects: *Provided,* That such vehicles and personal effects are the accompanying personal property of the passenger, and are not being transported for the purpose of sale.

The operation of the Alaska Ferry System is limited to the carriage of passengers and vehicles, and the tolls assessed against vehicles relate only to distance traveled and the length of the vehicles carried. Tolls are not related in any manner to the weight or contents of the vehicles. There appears to be no compelling need for regulation of the activities of this State-owned operation in the foreign trade between Prince Rupert, Canada, and southeastern Alaska ports. It would, therefore, appear in the public interest to permit this Alaska State-Owned Ferry System to operate in this U.S. foreign trade area without unnecessary regulatory restraints.

With respect to the service between southeastern Alaska and Seattle, the State of Alaska desires to open up its southeastern area to passenger tourism and automobile traffic. No commercial carrier now provides passenger service by ocean vessels, and it is, therefore, proposed that the carriage of passengers, and personal vehicles and effects which are not being transported for the purpose of sale, as well as commercial busses carrying passengers, be exempted from the regulatory requirements of the Intercoastal Shipping Act, 1933, and section 18(a), Shipping Act, 1916. It appears that such an exemption would be in the public interest and would not substantially impair effective regulation by the Federal Maritime Commission. A similar exemption from section 18(b), Shipping Act, 1916, would appear to be reasonable for the limited amount of passenger service conducted between Seattle, Wash., and Prince Rupert, Canada.

However, the carriage of commercial property and vehicles (trucks, trailers, and cargo contained in such vehicles) conducted by the carrier in the trade between Seattle, Wash., and ports in southeastern Alaska as well as the foreign trade between Seattle, Wash., and Prince Rupert, Canada, have an adverse competitive impact upon existing privately owned American-flag carriers operating within the same area. These carriers have the capability to, and in some instances do, transport trailers loaded with commercial cargo at rates designed for the specific commodities transported in such trailers. These rates must generate the revenues necessary to support these privately owned carriers. The Alaska Ferry System, insofar as it would carry commercial vehicles and other commercial property between Seattle, Wash., on the one hand, Prince Rupert, Canada, and the ports in southeastern Alaska, on the other, is a competitive carrier, and should be subject to the same regulation as commercial carriers.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553), the Intercoastal Shipping Act, 1933 (46 U.S.C. 843), and sections 18 (a) and (b), 35 and 43 of the Shipping Act, 1916 (46 U.S.C. 817, 817(b) and 833(a), and 841(a), Parts 531 and 536 of Title 46 CFR) are proposed to be amended as follows:

(1) The section heading of § 531.26 is proposed to be amended to read § 531.26 *Exemptions;*

(2) Section 531.26 is proposed to be amended by the addition of a new paragraph (b); and

(3) A new § 536.15 *Exemptions* is proposed to be added to Part 536.

As proposed to be amended the affected portions of Parts 531 and 536 would read as follows:

§ 531.26 Exemptions.

(a) * * *

(b) Carriage by vessels operated by the State of Alaska between Seattle, Wash., and ports in southeastern Alaska is exempt from the provisions of the Intercoastal Shipping Act, 1933, and section 18(a), Shipping Act, 1916, with respect to the transportation of passengers, commercial busses carrying passengers, personal vehicles, and personal effects: *Provided,* That such vehicles and personal effects are the accompanying personal property of the passengers, and are not being transported for the purpose of sale.

§ 536.15 Exemptions.

(a) Carriage by vessels operated by the State of Alaska between Prince Rupert, Canada, and ports in southeastern Alaska is exempt from the provisions of section 18(b), Shipping Act, 1916, to the extent that it meets all the following conditions: (1) The carriage of property is limited to vehicles; (2) the tolls for the vehicles so transported are levied solely on the basis of space utilized rather than weight or contents of the vehicle, and such tolls are the same regardless of whether the vehicle is loaded or empty; (3) the operator of the vessel does not move the vehicles on or off the ship; and (4) the carrier does not participate in any joint rates establishing through routes or in any other type of agreements with any other carrier.

(b) Carriage by vessels operated by the State of Alaska between Seattle, Wash., and Prince Rupert, Canada, is exempt from the provisions of section 18(b), Shipping Act, 1916, with respect to the transportation of passengers, commercial buses carrying passengers, personal vehicles, and personal effects: *Provided*, That such vehicles and personal effects are the accompanying personal property of the passengers, and are not being transported for the purpose of sale.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 29, 1968, an original and 15 copies of their views or arguments pertaining to the proposed amended rules. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of statutory sections cited as authority for the proposed rule.

The Federal Maritime Commission, Bureau of Compliance, Office of Hearing Counsel shall participate in the proceeding and shall file reply to comments on or before August 13, 1968, by serving an original and 15 copies on the Federal Maritime Commission and one copy on each party who filed written comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before August 23, 1968.

By order of the Federal Maritime Commission.

[SEAL] THOMAS LISI, *Secretary*.

[F.R. Doc. 68-7757; Filed, June 28, 1968; 8:48 a.m.]

[46 CFR Part 502]

[General Order 16; Docket No. 68-34]

RULES OF PRACTICE AND PROCEDURE

Special Docket Applications

Notice is hereby given that the Federal Maritime Commission is considering the amendment of § 502.92, Title 46, CFR. The purpose of the amendment is to implement the provisions of Public Law 90-298, approved April 29, 1968.

Public Law 90-298 amended section 18(b)(3) of the Shipping Act, 1916 (46 U.S.C. 817(b)), to give the Commission discretionary authority to permit carriers and conferences of carriers in the foreign commerce of the United States to refund or waive collection of a portion of freight charges under certain conditions.

Proposed § 502.92(a) sets forth below the conditions under which applications for such permission may be filed and actions which the Commission shall take should the requested permission be granted. A form of application is also set forth. Proposed § 502.92(b) prescribes the manner in which applications for refund or waiver may be made in situations other than those contemplated by Public Law 90-298. Proposed § 502.92(c) prescribes the procedure by which such applications will be processed administratively within the Commission.

The Commission has determined that, during the pendency of this proceeding, applications for refund or waiver may be made in accordance with the proposed procedures described herein.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 18 and 43 of the Shipping Act, 1916 (46 U.S.C. 817 and 841(a)), § 502.92 of Title 46, CFR, is proposed to be amended as follows:

§ 502.92 Special docket applications.

(a) Common carriers by water in foreign commerce, or conferences of carriers may file application for permission to refund a portion of freight charges collected from a shipper or to waive collection of a portion of freight charges from a shipper where it appears that there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and that such refund or waiver will not result in discrimination among shippers. Such application must be filed with the Commission within 180 days from the date of the involved shipment. Prior to application, the applicant must file with the Commission an effective tariff setting forth the rate on which such refund or waiver would be based. All such applications shall be made in accordance with the form prescribed in Appendix II(7) [1] and will be considered the equivalent of a complaint and answer thereto admitting the facts complained of. If permission is granted, the Commission will issue an order authorizing refund or waiver. The applicant must agree to publish notice of same in the appropriate tariff and to take such other actions as the Commission may require to give notice of the rate on which the refund or waiver is based. Additional refunds or waivers on other similar shipments will be made in the manner prescribed in the Commission's order.

(b) In circumstances other than those described in paragraph (a) of this section persons subject to the shipping acts may file application for permission to refund a portion of freight charges collected from a shipper or waive collection of a portion of freight charges from a shipper. All such applications shall be filed within the 2-year statutory period referred to in § 502.63 (Rule 5(c)) and shall be made in accordance with the form prescribed in Appendix II(5). Such applications will be considered the equivalent of a complaint and answer thereto admitting the facts complained of. If allowed, an order for payment or waiver will be issued by the Commission.

(c) Applications under paragraphs (a) and (b) of this section shall be filed in an original and three (3) copies with the Office of the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Each application shall be acknowledged with a reference to the assigned docket number and referred to the Office of Hearing Examiners. The presiding officer may, in his discretion, require the submission of additional information or oral testimony. Formal proceedings as described in other rules of this part need not be conducted. The presiding officer shall issue an initial decision to which the provisions of § 502.227 (Rule 13(g)) shall be applicable. [Rule 6(b)]

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 30, 1968, an original and 15 copies of their views or arguments pertaining to the amended proposed rule. All suggestions for changes in the text as set out above should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

By the Commission.

[SEAL] THOMAS LISI, *Secretary*.

[F.R. Doc. 68-7756; Filed, June 28, 1968; 8:48 a.m.]

[1] Filed as part of the original document. During the pendency of this proceeding copies may be obtained from the Office of the Secretary, Federal Maritime Commission.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 270]

[Release Nos. 34-8340, IC-5413]

PRICING OF REDEEMABLE SECURITIES FOR DISTRIBUTION, REDEMPTION, AND REPURCHASE AND TIME-STAMPING OF ORDERS BY DEALERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 22c-1 (17 CFR 270.22c-1) under the Investment Company Act of 1940 ("Investment Company Act") (15 U.S.C. 80a) prescribing the time for pricing redeemable securities of registered investment companies for distribution, redemption, and repurchase. The proposed rule would be adopted pursuant to the authority granted to the Commission in sections 22(c) and 38(a) of that Act. Notice is also given that the Commission has under consideration a companion measure in the form of a proposed amendment to Rule 17a-3(a)(7) (17 CFR 240.17a-3(a)(7)) under the Securities Exchange Act of 1934 ("Securities Exchange Act") (15 U.S.C. 78a) which would require dealers to time-stamp the receipt of orders from customers. The amendment would be adopted pursuant to the authority granted to the Commission in sections 17(a) and 23(a) of that Act.

Section 22(c) of the Investment Company Act, by reference to section 22(a), authorizes the Commission to make rules and regulations applicable to principal underwriters of, and dealers in, the redeemable securities of registered investment companies "for the purpose of eliminating or reducing so far as reasonably practicable any dilution of the value of other outstanding securities of such company or any other result of such purchase, redemption, or sale which is unfair to holders of such other outstanding securities. Such rules and regulations are authorized with respect to, among other things, the time for computing the minimum price at which any redeemable security issued by an investment company may be purchased from such company and the maximum price at which such security may be sold to such company or at which such security may be surrendered to such company for redemption. Section 38(a) of the Investment Company Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in that Act.

One purpose of proposed Rule 22c-1 (17 CFR 270.22c-1) is to eliminate or reduce so far as reasonably practicable any dilution of the value of outstanding redeemable securities or registered investment companies through (i) the sale of such securities at a price below their net asset value or (ii) the redemption or repurchase of such securities at a price above their net asset value. Dilution through the sale of redeemable securities at a price below their net asset value may occur, for example, through the practice of selling securities for a certain period of time at a price based upon a previously established net asset value. This practice permits a potential investor to take advantage of an upswing in the market and an accompanying increase in the net asset value of investment company shares by purchasing such shares at a price which does not reflect the increase. An investor may be encouraged to purchase securities in this manner by the practice of announcing the next sale price in advance of the time at which it becomes effective, thereby enabling the investor to time his purchase so as to obtain investment company securities at the lower of two known prices. Based upon its experience in the administration of the Investment Company Act, the Commission believes that such practices have the effect of diluting the value of outstanding redeemable securities of registered investment companies.

Another purpose of proposed Rule 22c-1 (17 CFR 270.22c-1) is to eliminate or reduce so far as reasonably practicable other results, aside from dilution, which arise from the sale, redemption, or repurchase of securities of registered investment companies and which are unfair to the holders of such outstanding securities. The Commission believes that the practice of selling securities for a certain period of time, at a price based upon a previously established net asset value, encourages speculative trading practices which so compromise registered investment companies as to be unfair to the holders of their outstanding securities. This pricing practice allows speculators to buy large blocks of such securities under circumstances where the net asset value of the securities has increased but where the increase in value is not reflected in the price. The speculators hold such securities until the next net asset value is determined and then redeem them at large profits. These speculative trading practices can seriously interfere with the management of registered investment companies to the extent that (i) management may hesitate to invest what it believes to be speculators' money and (ii) management may have to effect untimely liquidations when speculators redeem their securities. Based upon its experience in the administration of the Investment Company Act, the Commission believes that such practices cause unfair results to the holders of outstanding securities of registered investment companies.

Proposed Rule 22c-1 (17 CFR 270.22c-1) would prohibit any registered investment company issuing any redeemable security; any person designated in such issuer's prospectus as authorized to consummate transactions in any such security; and any principal underwriter of, or dealer in, any such security from selling, redeeming, or repurchasing any such security except at a price determined in accordance with the provisions of the rule. The proposed rule (17 CFR 270.22c-1) would require that the price be based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Current net asset value is defined by the proposed rule (17 CFR 270.22c-1) to be that computed on each day during which the New York Stock Exchange is open for trading, not less frequently than twice daily as of three hours after the commencement of trading and as of the time of the close of trading on such Exchange. The effect of the proposed rule (17 CFR 270.22c-1) would be to prohibit the practice of selling securities for a certain period of time at a price based on a previously established net asset value.

It should be noted that Rule 2a-4 (17 CFR 270.2a-4) under the Act defines the term "current net asset value" for use in computing the current price of redeemable securities issued by registered investment companies for the purpose of distribution, redemption, and repurchase.

It also should be noted that Rule 31a-1(b)(1) (17 CFR 270.31a-1(b)(1)) under the Investment Company Act provides, in pertinent part, that every registered investment company shall maintain and keep current journals or other records of original entry containing an itemized daily record in detail of all sales and redemptions of its own securities. It is expected that registered investment companies will time-stamp, upon receipt, all orders with respect to sales, repurchases, and redemptions of their own securities.

In order to implement proposed Rule 22c-1 (17 CFR 270.22c-1) under the Investment Company Act, the Commission proposes, as a companion measure, to amend Rule 17a-3(a)(7) (17 CFR 240.17a-3(a)(7)) under the Securities Exchange Act to require dealers, when selling securities to, or buying securities from, a customer, other than a broker or dealer, to stamp on the memorandum of order the time of receipt. Brokers are already subject to such requirement under subparagraph (a)(6) of Rule 17a-3 (17 CFR 240.17a-3).

The text of proposed Rule 22c-1 (17 CFR 270.22c-1) under the Investment Company Act reads as follows:

§ 270.22c-1 Pricing of redeemable securities for distribution, redemption, and repurchase.

(a) No registered investment company issuing any redeemable security, no person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and no principal underwriter of, or dealer in, any such security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

(b) For the purposes of this section the current net asset value of any such security shall be that computed on each day during which the New York Stock Exchange is open for trading, not less frequently than twice daily as of 3 hours after the commencement of trading and as of the time of the close of trading on such Exchange.

(Secs. 22(c), 38(a), 54 Stat. 823, 841, 15 U.S.C. 80a-22, 80a-37)

The text of the proposed Commission action under the Securities Exchange Act is as follows:

Rule 17a-3(a)(7) (17 CFR 240.17a-3(a)(7)) under the Securities Exchange Act of 1934 is amended by deleting the period at the end of the sentence and adding "; and, in addition, where such purchase or sale is with a customer other than a broker or dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, and the account in which it was entered." As so amended, the subparagraph reads:

§ 240.17a-3 Records to be made by certain exchange members, brokers, and dealers.

(a) * * *

(7) A memorandum of each purchase and sale for the account of such member, broker, or dealer showing the price and, to the extent feasible, the time of execution; and, in addition, where such purchase or sale is with a customer other than a broker or dealer, a memorandum of each order received, showing the time of receipt, the terms and conditions of the order, and the account in which it was entered.

* * * * *

(Secs. 17(a), 23(a), 48 Stat. 897, 901, 15 U.S.C. 78q, 78w)

All interested persons are invited to submit views and comments on proposed Rule 22c-1 (17 CFR 270.22c-1) under the Investment Company Act and the proposed amendment to Rule 17a-3(a)(7) (17 CFR 240.17a-3(a)(7)) under the Securities Exchange Act. Written statements of views and comments in respect of the proposed rule (17 CFR 270.22c-1) and the proposed amendment (17 CFR 240.17a-3(a)(7)) should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549, on or before August 1, 1968. All such communications will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 25, 1968.

[F.R. Doc. 68-7730; Filed, June 28, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R. 1497]

CALIFORNIA

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

JUNE 24, 1968.

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands in paragraph 3 for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice segregates the below described lands from all forms of appropriation under the public land laws, including the mining laws. The public lands are located near Calico east of Barstow in San Bernardino County. The lands have important archeological values and require the protection afforded by the segregations. Mining activity on the lands would cause irreparable damage. The record on this proposed classification is available for inspection in the Riverside District Office.

3. Land description:

SAN BERNARDINO MERIDIAN, CALIFORNIA

SAN BERNARDINO COUNTY

T. 10 N., R. 2 E.,
Sec. 22, W½NE¼, NW¼, N½SW¼, and NW¼SE¼.

The area described aggregates 360 acres.

4. 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 Manager, Riverside District and Land Office, Bureau of Land Management, 1414 University Avenue, Riverside, Calif.

5. A public hearing on this proposed classification will be held if there is sufficient public interest.

J. R. PENNY,
State Director.

[F.R. Doc. 68-7762, Filed, June 28, 1968; 8:48 a.m.]

National Park Service

SAINT CROIX ISLAND NATIONAL MONUMENT, MAINE

Notice of Establishment

Notice is hereby given, pursuant to the authority vested in me by section 2 of the Act of June 8, 1949 (63 Stat. 158; 16 U.S.C. 450 hh–1), that sufficient land and interests in land situated on the island of Saint Croix (known also as Dochet or Big Island), located in the Saint Croix River, in the city of Calais and the county of Washington, State of Maine, have been acquired for the establishment of a national monument. Such land and interests in land are hereby established as the Saint Croix Island National Monument which shall comprise all the lands and interests in lands acquired for the monument within the area described as follows:

Beginning at a point on the most easterly extremity of the said island thence, with the perimeter by its meanders being described approximately by the following cords:

S. 67°15′ W., 210 feet, more or less, S. 88°45′ W., 208 feet, more or less, N. 07°45′ E., 315 feet, more or less, N. 19°00′ E., 320 feet, more or less, N. 56°15′ E., 340 feet, more or less, S. 51°45′ E., 50 feet, more or less, S. 08°15′ E., 205 feet, more or less, and S. 11°15′ W., 540 feet, more or less, to the point of beginning, containing 6.50 acres, more or less; and all the rocks, reefs, and connected lands and nubbles, or riparian rights, appurtenant to the said island and within the low waterline, as depicted on sheet 1 of 1 of may numbered NM–SCI–3014, dated May 1968.

Such map shall be on file and available for public inspection in the administrative office of the St. Croix Island National Monument, Calais, Maine, and in the Office of the National Park Service, Department of the Interior, Washington, D.C.

Other Federal properties on the island will become a part of the national monument after they are transferred to the Secretary of the Interior and notice of their addition is published in the FEDERAL REGISTER in accordance with the provisions of section 2 of the act of June 8, 1949, *supra*.

Dated: June 27, 1968.

This notice shall become effective upon June 30, 1968.

KENNETH HOLUM,
Acting Secretary of the Interior.

[F.R. Doc. 68-7864; Filed, June 28, 1968; 9:41 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

CALIFORNIA ET AL.

Notice of Authorization for Grazing and Harvesting of Hay on Diverted Acreage in Designated Counties

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (7 CFR Part 750), the Cropland Adjustment Program (7 CFR Part 751), the Cropland Conversion Program (7 CFR Part 751), the Feed Grain Program (7 CFR Part 775), and the Upland Cotton Program (7 CFR Part 722), in the counties specified in this notice. The grazing and harvesting of hay on the diverted acreage shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

GRAZING AND HARVESTING HAY

CALIFORNIA

Modoc.

KANSAS

Cheyenne.
Clark.
Comanche.
Decatur.
Edwards.
Ellis.
Finney.
Ford.
Gove.
Graham.
Grant.
Gray.
Greeley.
Hamilton.
Haskell.
Hodgeman.
Kearny.
Kiowa.
Lane.
Logan.
Meade.
Morton.
Ness.
Norton.
Osborne.
Pawnee.
Phillips.
Pratt.
Rawlins.
Rooks.
Russell.
Scott.
Seward.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Thomas.
Trego.
Wallace.

NORTH DAKOTA

Bottineau.
Burke.
Divide.
Mountrail.
Williams.

GRAZING ONLY

COLORADO

Baca.
Bent.
Cheyenne.
El Paso.
Kiowa.
Kit Carson.
Las Animas.
Prowers.

KENTUCKY

Bracken.
Mason.
Pendleton.

LOUISIANA

Natchitoches.

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

CHARLES L. FRAZIER,
Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-7144; Filed, June 28, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Correction

In F.R. Doc. 68-7169, appearing at page 8856 of the issue for Tuesday, June 18, 1968, the CFR reference reading "§ 121.2514(b) (3) (xxiv)" is corrected to read "§ 121.2514(b) (3) (xxvi)".

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

EQUAL EMPLOYMENT OPPORTUNITY PROVISIONS OF THE DEPARTMENT OF LABOR

Applicability

In compliance with the requirements of the regulations issued by the Secretary of Labor on May 21, 1968 (33 F.R. 7804), all contracts of the Department of Transportation, including all of its operating administrations, and all contracts made by recipients pursuant to Federal financial construction assistance of the Department of Transportation or its operating administrations, the solicitations, invitations for bids, or requests for proposals which were sent by the Department of Transportation, including any of its operating administrations, or its recipients of Federal financial construction assistance on or after July 1, 1968, and all negotiated contracts executed on or after July 1, 1968, shall be subject to such revised equal employment opportunity regulations issued by the Secretary of Labor as provided in § 60-1.47 of those regulations. Notwithstanding the foregoing, such regulations of the Secretary of Labor shall also be applicable to all such contracts executed on or after October 29, 1968.

The Department of Transportation is developing the implementing regulations contemplated by the regulations of the Secretary of Labor, cited above, that will apply to the specific programs of the Department.

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

JOHN E. ROBSON,
Acting Secretary of Transportation.

[F.R. Doc. 68-7888; Filed, June 28, 1968; 11:22 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-183]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Facility License No. DR-10. The amendment authorizes General Electric Co. to possess, but not to operate, the deactivated ESADA-Vallecitos Experimental Superheat Reactor, located at Vallecitos Nuclear Center, Alameda County, Calif.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice" (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the related Safety Evaluation prepared by the Division of Reactor Licensing and (2) the licensee's Application Amendment No. 14 dated October 12, 1967, Amendment No. 15 dated December 20, 1967, and Modification No. 1 to Application Amendment No. 15 dated March 20, 1968, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (1) above may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of June 1968.

For the Atomic Energy Commission.

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

AMENDED LICENSE

[License No. DR-10, Amdt. No. 1]

The Atomic Energy Commission ("the Commission") has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;
2. The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public;
3. There is reasonable assurance that the facility can be posesssed in the described condition without endangering the health and safety of the public; and
4. Prior public notice of the proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Accordingly, License No. DR-10 is amended in its entirety to read as follows:

1. This license applies to the heterogeneous, light water moderated, steam cooled, superheat reactor owned by the General Electric Co. (hereinafter "GE") and designated by GE as the ESADA Vallecitos Experimental Superheat Reactor (hereinafter "EVESR"). The facility is located at GE's Vallecitos Nuclear Center, Alameda County, Calif., and is described in GE's application dated October 12, 1967, Amendment No. 15 dated December 20, 1967, and Modification No. 1 to Amendment No. 15 dated March 20, 1968 (herein "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses GE:

A. Pursuant to section 104b of the Act and 10 CFR Part 50, to possess, but not to operate, the reactor as a utilization facility, as described in the EVESR Deactivation Report submitted with Amendment No. 14 dated October 12, 1967.

B. Pursuant to the Act and 10 CFR Part 30, to possess, but not to separate, such byproduct material as may be contained in the component parts of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, and §§ 50.54 and 50.59 of Part 50, Title 10, Chapter 1, CFR and to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect, and to the additional conditions specified below:

A. GE shall not reactivate the facility nor use the reactor pressure vessel or any system which is open to the reactor pressure vessel without prior approval of the Commision.

B. *Technical specifications.* The Technical Specifications contained in Appendix A[1] to this license (hereinafter "the Technical Specifications") are hereby incorporated in this license. GE shall maintain the facility in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications, except as otherwise permitted by this license, by the Act and by the Commission's rules and regulations.

C. GE shall not dispose of the facility or the property occupied by the facility without prior approval of the Commission, except that GE may dispose of component parts or devices from the EVESR facility in accordance with the provisions of 10 CFR Part 20.

D. *Records.* In addition to the records heretofore required under this license and by applicable AEC regulations, including section 20.401 of 10 CFR Part 20, GE shall keep the following:

1. Records of inspections of the deactivated facility, including the results of surveys of radioactivity levels.
2. Records showing radioactivity released or discharged into the air or water beyond the effective control of GE as measured at the point of such release or discharge.

E. *Reports.* In addition to those reports required by applicable AEC regulations, GE shall submit the following:

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[1] This item was not filed with the Office of the Federal Register but is available for inspection in the public document room of the Atomic Energy Commission.

1. A report of any indication or occurrence of a possible unsafe condition relating to the facility or to the public. For each occurrence, GE shall promptly notify by telephone or telegraph the Director of the appropriate AEC Regional Compliance Office listed in Appendix D of 10 CFR Part 20, and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

2. An annual report of the status of the deactivated facility including the results of the surveys of radioactivity levels. The first such report shall be submitted to the Director, Division of Reactor Licensing by October 10, 1968, and succeeding reports within 60 days after each annual inspection is completed.

This license as amended, is effective as of the date of issuance and shall expire at midnight, January 26, 1976.

Date of issuance: June 17, 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-7721; Filed, June 28, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19868]

CITY AIR FREIGHT ET AL.

Notice of Proposed Approval

Application of City Air Freight et al. for approval of control and interlocking relationships pursuant to section 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 19868.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 25, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority.

ORDER APPROVING CONTROL RELATIONSHIPS

Application of City Air Freight, Charles W. Owen, Louise V. Owen, and O. E. Papin for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended; Docket 19868.

By joint application filed May 6, 1968, City Air Freight (CAF), Charles W. Owen, Louise V. Owen, and O. E. Papin request approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) of control relationships arising as a result of the ownership by Mr. and Mrs. Owen of 50 percent each of the stock of City Transfer, Inc. (Transfer), and the ownership by Transfer of 100 percent of the stock of CAF, an applicant for domestic and international air freight forwarder authority.

Transfer is a motor common carrier of general commodities, with certain exceptions, authorized to operate in the counties adjacent to and including Los Angeles County, Calif., by the California Public Utilities Commission and by the Interstate Commerce Commission. It also operates a public warehouse in Long Beach, Calif., pursuant to authorization of the California PUC.

Other enterprises owned jointly by Mr. and Mrs. Owen or wholly by Mr. Owen are:

City Van and Storage Co. (Storage), a household goods common carrier holding ICC authority to serve points in Los Angeles County and California PUC authority to serve points in California.[1]

City Leasing Corp. which owns motor vehicle equipment which it leases to Transfer and Storage. It does not engage in for-hire motor carrier operations.

Cwon Development Co. which owns real property which it leases to various operating companies.

City Warehouse and Storage Co. which owns and operates a private contract warehouse business.

Approval is also sought pursuant to section 409 of the Act of the following interlocking relationships:

[1] The ICC in Docket MC-F-7520 has authorized Mr. Owen to exercise common control and management over Transfer and City Van and Storage.

Individual [1]	CAF	Transfer	Storage
Charles W. Owen	President, Director	President, Director	President, Director.
O. E. Papin	Vice President, Director	Vice President, Director	Director.
Louise V. Owen	Secretary/Treasurer, Director	Secretary/Treasurer, Director	Secretary/Treasurer, Director.

[1] The relationships of Mr. Robert J. Kirkpatrick, for which approval is requested, are not subject to section 409 of the Act since he is not an officer or director of CAF.

Applicants state that they will provide an experienced freight handling service; that their motor carrier operations are confined to the State of California and that they would consent to a condition whereby their air freight forwarder authority would be valid only so long as the two motor carriers holding ICC authority (Transfer and Storage) conduct no operations outside of California. It does not appear, therefore, that these operations involve significant competitive considerations or conflicts of interest.

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General, not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that, for the purpose of this proceeding, CAF is an air carrier and Transfer and Storage are common carriers within the meaning of section 408 of the Act, and that the common control of these companies by Mr. and Mrs. Owen is subject to that section. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to others that have been approved by the Board and do not present any new substantive issues.[2] It, therefore, appears that approval of the control relationships will not be inconsistent with the public interest.

We also find that interlocking relationships within the scope of section 409 of the Act will result from the holding by Charles W. Owen, Louise V. Owen, and O. E. Papin of the positions described herein. However, it has been further concluded that such relationships come within the scope of the exemption from the provisions of section 409 provided by § 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of the foregoing relationships, it will be dismissed.

[2] See order E-26064, Dec. 4, 1967.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the above-described control relationships should be approved pursuant to section 408(b) of the Act without a hearing and that the application insofar as it requests approval of interlocking relationships should be dismissed.

Accordingly, it is ordered:

1. That the common control of CAF, Transfer and Storage by Charles W. and Louise V. Owen be and it hereby is approved; and

2. That, to the extent that approval of interlocking relationships is sought under section 409 of the Act, the application be and it hereby is dismissed.

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 5 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.

By: A. M. ANDREWS,
Director,
Bureau of Operating Rights.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-7748; Filed, June 28, 1968; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18193-18195; FCC 68M-985]

SERVICE ELECTRIC CABLE TV, INC.

Order Continuing Hearing

In re requests for order to show cause directed against the following CATV operations: Service Electric Cable TV, Inc., trading as Mountain City TV Co., Hazleton, Pa., Docket No. 18193, SR–3716, SR–1710; Service Electric Cable TV, Inc., trading as TeleService Company of, Wyoming Valley, Wilkes-Barre, Pa., Docket No. 18194, SR–3716, SR–278; Service Electric Cable TV, Inc., Mahanoy City, Pa., Docket No. 18195, SR–3716, SR–5710, SR–276.

A prehearing conference having been held on June 25, 1968;

It is ordered, That the direct affirmative case shall be presented orally, but may be supplemented by sworn, written exhibits; that any such exhibits shall be exchanged by July 22, 1968, and by that date the proponents of the direct case shall identify their witnesses and exchange a brief summary of the proposed testimony of each; and that hearing shall commence on July 30, 1968, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: June 25, 1968.

Released: June 26, 1968.

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

[F.R. Doc. 68–7755; Filed, June 28, 1968; 8:47 a.m.]

[Canadian Change List No. 243]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

JUNE 18, 1968.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignment of Canadian broadcast stations modifying appendix containing assignments of Canadian stations (Mimeograph No. 47214–3) attached to the recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		540 kilocycles				
CBEF (change from that notified on list number 232).	Windsor, Ontario	2.5 kwD/5kwN	DA–1	U	II	E.I.O. 6–15–69.
		1250 kilocycles				
CKJD (assignment of call letters).	Sarnia, Ontario	1 kw	DA–2	U	III	
		1340 kilocycles				
CKCR (now in operation with increased daytime power).	Revelstoke, B.C	1 kwD/0.25 kwN	ND	U	IV	
		1380 kilocycles				
(New)	Oromocto, N.B	10 kw	DA–1	U	III	E.I.O. 6–18–69.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 68–7754; Filed, June 28, 1968; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP68–214, CP68–252]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Findings and Order After Statutory Hearing

JUNE 21, 1968.

Panhandle Eastern Pipe Line Co., Central Illinois Public Service Co., Applicant, and Panhandle Eastern Pipe Line Co., Respondent.

Findings and order after statutory hearing issuing certificate of public convenience and necessity, severing issues for formal hearing, fixing date for hearing, prescribing certain procedures, granting interventions and notice of application for allocation of natural gas.

Panhandle Eastern Pipe Line Co. (Panhandle) applied for a certificate of public convenience and necessity pursuant to sections 3 and 7 of the Natural Gas Act on January 29, 1968, in Docket No. CP68–214 for authority to construct and operate specified natural gas facilities in Kansas, Missouri, Illinois, Indiana, and Ohio, and for authority to sell and export additional contract demand volumes of natural gas to certain existing customers in the United States and Canada.

The city of Fulton, Mo. (city of Fulton) on March 4, 1968, filed a petition to intervene in Docket No. CP68–214 and, pursuant to section 7(a) of the Natural Gas Act, requested an order of the Commission directing Panhandle to provide to the city of Fulton an additional 270 Mcf per day winter contract demand service for general resale needs commencing November 1, 1968, and an additional allocation of interruptible gas of 2,500 Mcf per day under Panhandle's I–2 Rate Schedule for resale to the Missouri State Hospital No. 1, located at Fulton. The aforesaid hospital will, upon receipt of gas from city of Fulton, convert its coal-fired boilers to natural gas.

Central Illinois Public Service Co. (Central Illinois), on March 18, 1968, filed in Docket No. CP68–252 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle to establish physical connection of its transmission facilities with those of Central Illinois and to sell and deliver natural gas for resale and distribution in the villages of Modesto, Scottville, Palmyra, Hettick, Chesterfield, and Medora, the town of Shipman, and the unincorporated community of Piasa, Macoupin County, Ill., and the village of Fidelity, Jersey County, Ill.

As set forth in Appendix A to this order, Panhandle has provided an increased allocation of Winter Contract Demand for Central Illinois. This increase adequately provides for the requested service of Central Illinois in Docket No. CP68–252. Accordingly, the application in Docket No. CP68–252 for an order of the Commission pursuant to section 7(a) of the Act should be dismissed as moot.

The following petitions to intervene and notices of intervention have been filed in Docket No. CP68–214:

Petitions	*Filing dates*
Missouri Edison Co	Mar. 6, 1968
Missouri Power & Light Co	Mar. 6, 1968
Michigan Gas Utilities Co	Mar. 4, 1968
Trans-Canada Pipe Lines Ltd	Mar. 4, 1968
Southeastern Michigan Gas Co.	Mar. 4, 1968
Illinois Power Co	Mar. 4, 1968
Central Illinois Public Service Co.	Mar. 4, 1968
Michigan Gas Storage Co	Mar. 1, 1968
The Ohio Fuel Gas Co	Feb. 23, 1968
Union Gas Co. of Canada, Ltd	Feb. 12, 1968
Great Lakes Gas Transmission Co.	Feb. 23, 1968
City of Fulton, Mo	Mar. 4, 1968
City of Indianapolis	Mar. 4, 1968
The Public Utilities Commission of Ohio.	Mar. 7, 1968
Illinois Commerce Commission.	Mar. 5, 1968
State of Texas and The Railroad Commission of Texas.	Feb. 28, 1968

The city of Fulton, as noted above, filed a petition to intervene to obtain additional firm and interruptible gas service for its distribution system.

Trans-Canada Pipe Lines, Ltd., and Great Lakes Gas Transmission Co. filed petitions to intervene in opposition to Panhandle's application for authority to increase its export sales to Union Gas Company of Canada, Ltd., which is on existing customer of Trans-Canada Pipe Lines. No other petitioner opposed Panhandle's other proposed construction, operations, or sales.

Panhandle's application in Docket No. CP68–214 sought authority, inter alia, to construct and operate 41 miles of 30-inch diameter loop line on its Elk City Line together with 4,000 additional horsepower at the existing Alva compressor station and 3,400 horsepower at the existing Haven compressor station. On May 7, 1968, Panhandle filed an amendment to its application deleting these proposed facilities, and in lieu thereof, filed a separate application in Docket No. CP68-258.

On April 30, 1968, Panhandle filed a supplement to its application consisting of: (1) Reconciliation of estimated cost of facilities in Docket No. CP68-258 (Elk City Project); (2) letter agreement with Union Gas Co. of Canada amending prior agreement; (3) opinion of counsel regarding Panhandle's corporate power to export natural gas; (4) market data of Union Gas Co. of Canada; and (5) statement of unallocated capacity upon completion of Docket No. CP68-214 facilities.

On May 24, 1968, Panhandle filed a motion to accelerate certification of uncontested aspects of its application, as amended, in Docket No. CP68-214. Panhandle's motion will be treated as a motion to sever the application into Phase I (uncontested construction, operations, and sales) and Phase II (construction, operations, and sales relating to Union Gas Co. of Canada and application of city of Fulton for allocation of interruptible gas). By its motion and its response of April 5, 1968, Panhandle indicates that it will have main line capacity to provide an additional 270 Mcf per day of firm gas to city of Fulton and that it would provide such service to city of Fulton upon receipt of its request for authority to sell an additional 133,000 Mcf per day to 36 other utility customers. Appendix A to this order sets forth the authorized levels of service to these customers, including city of Fulton. Panhandle requests a formal hearing, however, on city of Fulton's application for an allocation of 2,500 Mcf per day of interruptible gas.

This order authorizes the construction and operation of the following Phase I facilities:

(1) To construct and operate approximately 35 miles of 30-inch mainline loop in Indiana and Ohio. Said loop represents a continuation of Panhandle's fourth main pipeline;

(2) To install the following additional horsepower at existing compressor stations:

Station	*Horsepower*
Olpe, Kans	8,000
Louisburg, Kans	7,250
Houstonia, Mo	7,250
Centralia, Mo	4,000
Glenarm, Ill	4,000
Waverly Storage, Ill	1,350

(3) To construct and operate approximately 13 miles of 12-inch lateral line near Danville, Ill.;

(4) Measuring station revisions and other appurtenances in conjunction with this application; and

(5) To increase total reservoir gas content for Howell Storage Field by 1,000,000 Mcf above the volume presently certificated in Docket No. CP67-170 to provide necessary reservoir gas content at the end of the injection cycle plus a minimum safety factor.

The total estimated cost of these Phase I facilities is $16,356,000 which cost will be financed initially by short-term bank loans, with permanent financing accomplished through the issuance of debentures or other securities.

Panhandle proposes to render the increased service for jurisdictional customers at rates set forth in its filing of January 4, 1968, in Docket No. RP68-15.

Phase II will determine whether Panhandle shall be authorized to increase its sales of gas to 32,500,000 Mcf per year to Union Gas Co. of Canada and construct facilities consisting of 8.8 miles of 24-inch pipeline to serve Canadian customers and 4,000 additional horsepower at Montezuma compressor station, and whether city of Fulton shall be granted an allocation of gas for resale to Missouri State Hospital No. 1. The hearing in Phase II shall consider these matters as well as other material and relevant issues.

Panhandle and city of Fulton and supporting intervenors will be directed to serve their prepared testimony and exhibits in support of their respective applications with the designated examiner, the staff of the Commission, and all other parties in this proceeding on or before July 24, 1968.

The prepared direct evidence of the city of Fulton in support of its application shall conform to the evidentiary requirements of section 156 of the regulations under the Natural Gas Act and this order shall constitute notice of said application, as more fully described in the documents filed herein.

After due notice by publication in the Federal Register on February 14, 1968 (33 F.R. 2961) and May 24, 1968 (33 F.R. 7705), no other petition to intervene, other notice of intervention, or protest to the granting of the application in Docket No. CP68-214 (Phase I) has been filed.

At a hearing held on June 20, 1968, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, as supplemented and amended, and exhibits, submitted in support of the authorization (Phase I) herein, and upon consideration of the record.

The Commission finds:

(1) Applicant, Panhandle Eastern Pipe Line Co., a Delaware corporation having its principal place of business in Kansas City, Mo., is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of September 23, 1942, in Docket Nos. G-200 and G-207 (3 FPC 273).

(2) The facilities hereinbefore described, as more fully described in the application, as supplemented and amended in Docket No. CP68-214 (Phase I), are to be used in the transportation and sale of natural gas in interstate commerce subject to the jurisdiction of the Commission, and the construction and operation thereof and the proposed transportation and sales of natural gas by Applicant are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The construction and operation of the proposed facilities and the proposed transportation and sales of natural gas by Applicant are required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) Public convenience and necessity require that the certificate issued hereinafter and the rights granted thereunder be conditioned upon Applicant's compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (b), (c)(1), (c)(3), (c)(4), (e), (f), and (g) of § 157.20 of such regulations.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the hereinabove described parties should be permitted to intervene in Docket No. CP68-214.

(7) The application in Docket No. CP68-252 for an order of the Commission pursuant to section 7(a) of the Natural Gas Act should be dismissed.

(8) The proceeding will be expedited by providing for the service of direct evidence prior to hearing.

The Commission orders:

(A) A certificate of public convenience and necessity is issued authorizing Applicant, Panhandle Eastern Pipe Line Co., to construct and operate the proposed Phase I facilities as hereinbefore described to sell and deliver natural gas as detailed in Appendix A to this order, all as more fully described in the application, as supplemented and amended, in Docket No. CP68-214, upon the terms and conditions of this order.

(B) The certificate issued by paragraph (A) above and the rights granted thereunder are conditioned upon Applicant's compliance with all applicable Commission regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (a), (c)(1), (c)(3), (c)(4), (e), (f), and (g) of § 157.20 of such regulations.

(C) The facilities authorized shall be constructed and placed in actual operation and the sales of natural gas authorized in paragraph (A) above shall commence, as provided by paragraph (B) of § 157.20 of the Commission's regulations, within 6 months from the date this order issues.

(D) The application in Docket No. CP68-252 for an order of the Commission pursuant to section 7(a) of the Natural Gas Act is dismissed.

(E) The maximum gas inventory for the Howell Storage Field is limited as follows:

(a) Reservoir content—31,000,000 Mcf.
(b) Cushion volume—17,750,000 Mcf.
(c) Working volume—13,250,000 Mcf.

(F) The above-named parties having filed petitions or notices of intervention are hereby permitted to become interveners in Docket No. CP68-214 subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in Docket No. CP68-214.

(G) Panhandle and City of Fulton and interveners in support thereof shall file direct testimony and exhibits in support of their respective applications at the offices of the Commission on or before July 24, 1968, and on all other parties in this proceeding. Such direct testimony and exhibits shall conform to the Commission's rules and regulations under the Natural Gas Act.

(H) A hearing shall be held in this proceeding entitled Panhandle Eastern Pipe Line Co., Docket No. CP68-214 (Phase II) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on September 4, 1968, at 10 a.m., e.d.s.t.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Resale customer	Winter contract demands—Mcf		
	Present	Proposed	Increase
Battle Creek Gas Co.	45,000	45,000	(1)
Bowling Green Gas Co.	2,400	2,400	(1)
Central Illinois Public Service Co.	140,000	150,000	10,000
Central Indiana Gas Co., Inc.	200,000	220,000	20,000
Citizens Gas and Coke Utility	180,000	200,000	20,000
Citizens Gas Co. of Hannibal	15,500	16,000	500
Citizens Gas Fuel Co.	17,500	19,000	1,500
Commonwealth Edison Co.	42,300	45,500	3,200
Franklin, Village of	500	700	200
Fulton, City of	8,230	8,500	270
Greenfield Gas Co., Inc.	13,500	13,700	200
Hamilton Natural Gas Co., Inc.	1,331	1,500	169
Hazelton, City of	200	300	100
Illinois Power Co.	195,000	205,000	10,000
Indiana Gas Co. Inc.	115,269	115,269	(1)
Indiana Gas Distribution Corp (G-1)	11,000	12,000	1,000
Kokomo Gas and Fuel Co.	65,000	68,000	3,000
Macon, City of	3,800	4,000	200
Michigan Gas Utilities Co.	38,300	39,300	1,000
Missouri Edison Co.	8,700	10,800	2,100
Missouri Power and Light Co.	62,000	67,500	5,500
Missouri Public Service Co.	25,000	25,500	500
Missouri Utilities Co.	41,200	46,700	5,500
Monroe City, City of	2,500	2,600	100
Montgomery City, City of	1,500	1,800	300
Morton, Village of	7,400	7,400	(1)
Northern Indiana Public Service Co.	125,000	130,000	5,000
Ohio Fuel Gas Co., The (LS-1)	125,000	155,000	30,000
Ohio Gas Co.	45,300	48,700	3,400
Ohio Valley Gas Corp.	13,000	13,300	300
Pendleton Natural Gas Co.	3,000	3,200	200
Richmond Gas Corp.	26,000	28,000	2,000
Roodhouse, City of	2,500	2,700	200
Rossville, Village of	1,450	1,550	100
Southeastern Michigan Gas Co.	60,000	65,000	5,000
Stonington, Village of	1,200	1,700	500
Toledo Edison Co., The	10,000	10,600	600
Town Gas Co. of Illinois (G-2)	5,300	5,600	300
Westville, Village of	2,500	2,600	100
White Hall, City of	3,000	3,250	250
Total			133,289

[1] Customer requesting contract demand increases in summer months only.

[F.R. Doc. 68-7661; Filed, June 28, 1968; 8:45 a.m.]

[Docket Nos. G-3491 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 19, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commision by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to 18 CFR 2.56, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per per Mcf	Pressure base
G-3491 C 5-15-68	Phillips Petroleum Co.[1] Bartlesville, Okla. 74003.	El Paso Natural Gas Co., Jal Field, Lea County, N. Mex.	12.0	14.65
G-5716 D 6-6-68 [2]	Northern Natural Gas Producing Co., c/o R. D. Haworth, attorney, Post Office Box 1774, Houston, Tex. 77001.	Northern Natural Gas Co., Hugoton Field, Stevens et al., Counties, Kans.	Assigned	--------
G-6170 D 6-5-68	The Superior Oil Co. (Operator) et al., Post Office Box 1521, Houston, Tex. 77001.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis and Simpson Counties, Miss.	(3)	--------
G-8592 C 4-11-68	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	United Gas Pipe Line Co., Pistol Ridge Field, Pearl River County, Miss.	20.6	15.025
G-8592 C 5-31-68	do	United Gas Pipe Line Co., acreage in Forrest County, Miss.	20.6	15.025
G-10990 E 6-6-68	Franklin Jones, Jr. (successor to C. A. Brian), Post Office Box 1249, Marshall, Tex. 75670.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	10.75	14.65
G-11024 6-12-68 [4]	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East and West Cameron and Vermilion Parishes, Offshore Louisiana.	19.5	15.025
G-12969 E 5-23-68	Payne Producing Co., (successor to W. M. Bevly et al.) Post Office Box 60005, Corpus Christi, Tex. 78406.	United Gas Pipe Line Co., North La Rosa Field, Refugio County, Tex.	15.0	14.65
G-16499 6-6-68 [5]	Petroleum Associates, Inc., Commercial Bank Tower, Midland, Tex. 79701.	El Paso Natural Gas Co., acreage in Nolan County, Tex.	[6] 15.70925 [7] 14.5	14.65
CI60-252 C 6-6-68	Mobil Oil Corp. Post Office Box 2444, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	17.0	14.65
CI60-653 D 5-27-68 [8]	do	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Hargill Field, Hildalgo County, Tex.	Assigned	--------
CI61-323 D 5-31-68	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	(9)	--------
CI61-1315 E 5-24-68 [10]	Witt Oil Production, Inc. et al. (successor to Waymon L. Davis) (et al.), 522 Commercial Bank Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Waskom Panola County, Tex.	10.8876	14.65
CI62-1372 E 5-31-68	Carl R. Morris (successor to Manor Oil Co.), Box 238, Grantsville, W. Va. 26147.	Equitable Gas Co., Center District, Gilmer County, W. Va.	25.0	15.325
CI63-215 D 5-17-68	Union Oil Co. of California	Arkansas Louisiana Gas Co., Arko Area, Le Flore County, Okla.	(11)	--------

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per per Mcf	Pressure base
CI63-473 (G-14152) A&F 10-12-62	May Petroleum Inc. (successor to Union Oil Co. of California), 1435 Republic National Bank Bldg., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, T. O. Wilson Gas Unit, Beaver Okla.	[12] 17.0 [13] 16.8	14.65
CI64-342 C 6-7-68	Sohio Petroleum Co. (Operator) et al., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Mountain Fuel Supply Co., Nitchie Gulch Area and Pine Canyon Area, Sweetwater County, Wyo.	15.0	15.025
CI65-15 5-16-68 [14]	Damson Petroleum Corp., Operator Agent for Arthur G. Edelman et al. (formerly Coloma Oil & Gas Corp., Operator Agent for F. G. Kinglsey et al.), 509 Madison Ave., New York, N.Y. 10022.	Texas Eastern Transmission Corp., Karon Field, Live Oak County, Tex.	13.0	14.65
CI66-866 E 6-11-68	Sterrett B. Proctor, Operator (successor to Kewanee Oil Co. (Operator) et al.), Drawer 2640, Lafayette, La. 70501.	Southern Natural Gas Co., East Catahoula Field, St. Martin Parish, La.	13.3	15.025
CI67-180 D 5-27-68 [15]	Mobil Oil Corp.	Michigan Wisconsin Pipe Line Co., Northwest Quinlan Field, Woodward County, Okla.	Assigned	--------
CI68-589 C 6-6-68 [16]	Jerome P. McHugh et al., 930 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	[17] 14.05775	15.025
CI68-686 D 5-27-68	Mobil Oil Corp. (Operator) et al.	Texas Eastern Transmission Corp., Shiloh Field, Union Parish, La.	([18])	--------
CI68-1077 C 6-12-68	William Herbert Hunt Trust Estate (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	[19] 13.903	15.025
CI68-1148 C 5-20-68	Appalachian Exploration & Development, Inc., c/o Boyd D. Taylor, Regional Counsel, Post Office Box 1473, Charleston, W. Va. 25325.	United Fuel Gas Co., acreage in Kanawha County, W. Va.	28.0	15.325
CI68-1164 C 5-13-68 [20]	James A. Wood, Trustee (Operator) et al., Box 609, Mission, Tex. 78572.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., LaReforma Field, Starr County, Tex.	14.6	14.65
CI68-1314 A 5-16-68	Lyons Petroleum et al., c/o J. A. Dykes, attorney, 1500 Beck Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La.	20.0	15.025
CI68-1325 (G-7584) A&F 5-22-68	Marshall Exploration, Inc. (successor to R. E. Smith), Post Office Box 729, Marshall, Tex. 75670.	Texas Eastern Transmission Corp., Carthage Field, Panola County, Tex.	15.6	14.65
CI68-1361 A 5-29-68	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Phillips Petroleum Co., acreage in Hutchinson County, Tex.	10.0	14.65
CI68-1364 A 5-31-68	The Ohio Fuel Co., 903 City National Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Guymon-Hugoton Field, Texas County, Okla.	17.0	14.65
CI68-1365 A 6-3-68	E. C. Ware et al. (Ward & Dempsey Lease), c/o John T. Diederich, Attorney at Law, 500 Price Bldg., Ashland, Ky. 41101.	United Fuel Gas Co., acreage in Martin County, Ky.	16.0	15.325
CI68-1366 (CI67-635) F 6-3-68	Dr. Moorman P. Prosser (successor to Magness Petroleum Co.), 844 First National Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., acreage in Harper County, Okla.	[21] 17.0	14.65
CI68-1367 A 6-5-68	Arapahoe Production Co. et al., Post Office Box 556, Littleton, Colo. 80120.	Michigan Wisconsin Pipe Line Co., Laverne Field, Beaver County, Okla.	[16] 17.0	14.65
CI68-1368 A 6-5-68	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	15.0	14.65
CI68-1370 A 6-6-68	Yucca Petroleum Co. (Operator) et al., c/o Jerry F. Lyons, attorney, Post Office Box 550, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., northwest Quinlan (Chester Lime) Field, Woodward County, Okla.	[22] 19.8	14.65
CI68-1371 A 6-7-68	Union Oil Co. of California	Natural Gas Pipeline Co., of America, Buffalo Wallow Field, Hemphill County, Tex.	[21] 19.0	14.65
CI68-1372 A 6-7-68	Rabbit Gas & Oil Co., c/o John S. Holy, attorney, Post Office Box 643, Weston, W. Va. 26452.	Equitable Gas Co., acreage in Upshur and Gilmer Counties, W. Va.	25.0	15.325
CI68-1373 B 6-6-68	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	United Fuel Gas Co., Oriskany Field, Kanawha and Jackson Counties, W. Va.	Depleted	--------
CI68-1374 A 6-7-68	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	Michigan Wisconsin Pipe Line Co., South Marsh Island Block 6 Field, Offshore, Louisiana.	21.25	15.025
CI68-1375 A 6-3-68	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Phillips Petroleum Co., West Panhandle Field, Carson County, Tex.	11.5	14.65
CI68-1376 A 6-10-68	Appalachian Exploration & Development, Inc.	Mountain Gas Co., acreage in Kanawha County, W. Va.	27.0	15.325
CI68-1378 A 6-6-68	Michael T. Cowen, 524 Murray Bldg., Grand Rapids, Mich. 49502.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	10.0	16.4
CI68-1379 B 6-10-68	Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Placedo Field, Victoria County, Tex.	Depleted	
CI68-1381 A 6-10-68	King Resources Co.,[23] 100 Park Avenue Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., South Taloga Field, Dewey County, Okla.	[21] 15.0	14.65
CI68-1382 (CI67-1786) F 6-6-68	American Petrofina Co. of Texas (Operator) et al. (successor to Natural Gas & Oil Corp. (Operator) et al.), Post Office Box 2159, Dallas, Tex. 75221.	El Paso Natural Gas Co., Grice, East (Atoka 15,470) Field, Loving County, Tex.	16.40	14.65
CI68-1383 (CI67-525) F 6-6-68	American Petrofina Co. of Texas (successor to Natural Gas & Oil Corp.).	El Paso Natural Gas Co., Gomez Field, Pecos County, Tex.	15.91	14.65

[1] By letter filed May 31, 1968, Applicant agreed to accept permanent authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[2] Deletes acreage assigned to Helmerich & Payne, Inc. et al.
[3] Abandons service due to cessation of production in commercial quantities.
[4] Amendment to certificate filed to include interests of nonsignatory coowners.
[5] Amendment to certificate filed to include interest of coowner.
[6] Applicable to original service; effective subject to refund in Docket No. G-20526.
[7] Applicable to sales under Supplement No. 4 covered by temporary certificate issued Nov. 29, 1961.
[8] Deletes acreage assigned to James A. Wood, Trustee.
[9] Reserves of casinghead gas do not qualify for connection to Buyer's system.
[10] Applicant is filing to succeed Waymon L. Davis as Operator of subject properties.
[11] Due to the small interest in the subject acreage dedicated to the gas purchaser, the purchaser has declined to connect its pipeline.
[12] Rate for new service.
[13] Rate for acreage previously covered by Union; rate in effect subject to refund in Docket No. RI62-407.
[14] Amendment to certificate filed to reflect change in Operator and Agent.
[15] Deletes acreage assigned to Ashland Oil & Refining Co.
[16] Adds acreage acquired from Northwest Production Corp., Docket No. G-10686.
[17] Rate in effect subject to refund in Docket No. RI64-398.
[18] Acreage released to landowners.
[19] Includes 1.333 cents tax reimbursement.
[20] Adds acreage acquired from Wheelock Oil Co., Docket No. CI61-1251.
[21] Subject to upward and downward B.t.u. adjustment.
[22] Includes upward B.t.u. adjustment.
[23] Applicant states its willingness to accept permanent certificate on the same terms as specified by the Commission's order issued Mar. 30, 1964, in Docket No. G-19416 et al.

[F.R. Doc. 68-7662; Filed, June 28, 1968; 8:45 a.m.]

[Project No. 13]

NIAGARA MOHAWK POWER CORP.

Notice of Application for Amendment of License for Constructed Project

JUNE 20, 1968.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Niagara Mohawk Power Corp. (correspondence to: Lauman Martin, Vice President and General Counsel, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y. 13202) for constructed Project No. 13, known as Green Island, located on the Hudson River just below its confluence with the Mohawk River, in the village of Green Island, in Albany County, N.Y., and in the region of Troy.

The application seeks to rehabilitate and modernize the project which comprises a powerhouse and appurtenant facilities at U.S. Lock and Dam at Green

Island. The hydro facilities have been unused since December 1, 1960. Applicant plans to make minor repairs to the powerhouse building, change generators and equipment from direct to alternating current and by rewinding the generators increase their capacity, and repair, modify and install appurtenant electrical and mechanical equipment.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-7736; Filed, June 28, 1968; 8:46 a.m.]

[Docket Nos. RI68-674 etc.]

SUN OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 20, 1968.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 6, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-674....	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	[2] 159	1	Northern Natural Gas Co. (Southeast Share Field, Ochiltree County, Tex.) (RR. District No. 10).	$10,000	5-27-68	[3] 7-1-68	[4] 7-2-68	[7] 16.0	[5,6,7] 17.0	
RI68-675....	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	274	[9] 5	Oklahoma Natural Gas Gathering Corp.[8] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	203	5-29-68	[10] 5-29-68	[4] 5-30-68	11.0	[5,6] 12.0	
RI68-676....	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001, Attn: R. D. Haworth, Esq.	320	[11] 18	Natural Gas Pipeline Co. of America (LaGloria Field, Jim Wells and Brooks Counties, Tex.) (RR. District No. 4).	1,045	5-24-68	[3] 6-24-68	[4] 6-25-68	[13] 10.8198	[5,12] 14.0	

[2] Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1, and the proposed rate does not exceed initial rate ceiling of 17 cents per Mcf.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] Oklahoma Natural classed as a pipeline company in its certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17 cents per Mcf. Oklahoma Natural's related increase to 18.5 cents has been approved. However, Oklahoma Natural must flow-through any refunds made by its suppliers.
[9] Applicable to acreage added by Amendment dated Jan. 27, 1967 (Supplement No. 3).
[10] The stated effective date is the date of filing.
[11] Applies only to acreage added by Supplement No. 17.
[12] "Fractured" rate increase. Contractually due a rate of 15.31 cents per Mcf, plus applicable tax reimbursement.
[13] Initial certificated rate, insofar as such rate applies to acreage added by Supplement No. 17. A rate of 15.5133 cents, effective subject to refund, applies to other acreage.

The contract related to the rate filing of Sun Oil Co. (Sun) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate of 17 cents per Mcf exceeds the area increased rate ceiling of 11 cents per Mcf for Texas Railroad District No. 10, but does not exceed the initial service ceiling of 17 cents per Mcf established for the area involved. We believe, in this situation, Sun's proposed rate filing should be suspended for 1 day from July 1, 1968, the proposed effective date.

Sunray DX Oil Co. (Sunray) proposes a periodic rate increase from 11 cents to 12 cents per Mcf for a wellhead sale of gas to Oklahoma Natural Gas Gathering Corp. (Oklahoma Natural) from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area) with respect to acreage added by Supplement No. 3 to its FPC Gas Rate Schedule No. 274. The applicable area ceiling for increased rates is 11 cents per Mcf. Although Sunray was contractually due a rate of 12 cents per Mcf at the time of the additional dedication, it was willing to accept a certificate rate of 11 cents per Mcf to be consistent with other certificate authorizations in the Ringwood Area. Sunray was issued a permanent certificate for the additional acreage in Docket No. CI67-1085 on May 20, 1968. Sunray requests waiver of the 30 days notice requirement, a retroactive effective date of May 21, 1968, and a 1 day suspension period if the proposed rate is suspended. Consistent with prior Commission action taken on similar increases to Oklahoma Natural in the Ringwood Area, we believe that it would be in the public interest to waive the 30-day notice requirement

[14] By order issued Nov. 3, 1966, in Docket No. RP66-19, an increase by Oklahoma Natural from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that Oklahoma Natural is required to flow through any refunds received from its producer-suppliers and to reduce its rate to reflect any rate reductions of such suppliers.

provided by section 4(d) of the Natural Gas Act to permit an effective date of May 29, 1968, the date of filing, for Sunray's proposed rate increase, and to limit to 1 day the suspension period ordered herein for such rate filing.

Mobil Oil Corp.'s (Mobil) proposed rate increase from 10.8198 cents to 14 cents is for gas sold to Natural Gas Pipeline Company of America from the LaGloria Field, Jim Wells and Brooks Counties, Tex. (Railroad District No. 4). Mobil is contractually due a rate of 15.31 cents per Mcf, plus applicable tax reimbursement, but is fracturing such rate so as not to exceed the ceiling for increased rates as provided for in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56). Although the proposed rate does not exceed the area's ceiling for increased rates, it is suspended for 1 day from June 24, 1968, the proposed effective date, since Mobil did not submit with its increased rate filing a waiver of its right to file for the remaining increment of its contractually due rate.

[F.R. Doc. 68-7737; Filed, June 28, 1968; 8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Extension of Temporary Levels for Importation

JUNE 28, 1968.

On June 5, 1968, there was published in the FEDERAL REGISTER (33 F.R. 8367) a letter dated May 29, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, amending and extending the temporary level of restraint for cotton textiles and cotton textile products in Categories 28 through 64, produced or manufactured in Mexico and exported to the United States during the 2-month period beginning May 1, 1968, and extending through June 30, 1968.

Pursuant to consultations with the Government of Mexico, it has been determined that this temporary level for Categories 28 through 64 shall remain in effect for an additional 1-month period beginning on July 1, 1968, and extending through July 31, 1968. As noted in the letter published below, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, the level of restraint applicable for Categories 28 through 64 has been further reduced to reflect tentative charges for overshipments which occurred in the prior agreement year which ended on April 30, 1968. A further directive establishing the final level of restraint for Categories 28 through 64, pursuant to paragraph 12 of the agreement, will be published at a future date.

Accordingly, there is published below a letter of June 27, 1968 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs further amending the directive of April 30, 1968.

Attention is called to the fact that the Bureau of Customs has charged against the level of restraint for Categories 28 through 64, provided in the directive published below, approximately 786,000 square yards equivalent through June 25, 1968.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JUNE 27, 1968.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directive issued to you on April 30, 1968 from the Chairman of the President's Cabinet Textile Advisory Committee, establishing temporary levels for the entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, beginning on May 1, 1968, and extending through May 31, 1968.

The first sentence of the first paragraph of the directive of April 30, 1968, as amended, is further amended to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 1, 1968, and for the 3-month period extending through July 31, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 28 through 64, produced or manufactured in Mexico, in excess of an adjusted level of restraint for the period of 1,058,335 square yards equivalent."

The directive of April 30, 1968, as amended, is further amended by substituting "Three-Month Level of Restraint" for the heading "Two-Month Level of Restraint" applicable to Categories 63 and 64. In addition the level of restraint applicable to Category 64 is amended to read "230,073 pounds" instead of "285,978 pounds".

The levels set forth in the directive of April 30, 1968, as further amended hereby, have not been adjusted to reflect entries or withdrawals from warehouse made on or after May 1, 1968.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

HOWARD J. SAMUELS,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-7865; Filed, June 28, 1968; 10:18 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 25, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, 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 26, 1968, through July 5, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7732; Filed, June 28, 1968; 8:45 a.m.]

FASTLINE, INC.

Order Suspending Trading

JUNE 25, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fastline, Inc., 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 26, 1968, through July 5, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-7733; Filed, June 28, 1968; 8:46 a.m.]

[812-2321]

TAX EXEMPT INCOME FUND, SERIES 5

Notice of Filing of Application

JUNE 25, 1968.

Notice is hereby given that Tax Exempt Income Fund, Series 5 ("Applicant"), 55 Broad Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of similar funds named "Municipal Investment Trust Fund" or "Tax Exempt Income Fund," and will be governed by a trust agreement under which Goodbody & Co. will act as sponsor and the United States Trust Company of New York, as trustee. Pursuant to the trust agreement the sponsor will deposit with the trustee up to $5 million principal amount of bonds which the sponsor shall have accumulated for such purpose and simultaneously with such deposit will receive from the trustee registered certificates for up to 5,000 units. Applicant proposes to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed which has not yet become effective. The trust agreement does not provide for the issuance of additional units. The proceeds of bonds which may be sold, redeemed, or matured will be distributed to unit holders.

Units will remain outstanding until redeemed or until the termination of the trust agreement, which may be terminated by 100 percent agreement of the unit holders of the Applicant, or, in the event that the value of the bonds shall fall below $2 million, upon direction of the sponsor to the trustee. In connection with the requested exemption, the sponsor has agreed to refund, on demand and without deduction, the sales load to purchasers of units, if within 90 days after the registration statement under the Securities Act becomes effective, the net worth of the Applicant shall be reduced to less than $100,000 or if Applicant is terminated. The sponsor will instruct the trustee on the date the bonds are deposited that if Applicant shall at any time have a net worth of less than $2 million as a result of redemption by the sponsor of units constituting a part of the unsold units, the trustee shall terminate the trust in the manner provided in the trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the trust agreement as provided therein. The sponsor has agreed to refund any sales load to any purchaser of units purchased from the sponsor or any participating dealer on demand and without any deduction in the event of such termination. In addition, it is the sponsor's intention to maintain a market for the units of Applicant and continually to offer to purchase such units at prices in excess of the redemption price as set forth in the trust agreement, although the sponsor is not obligated to do so.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 15, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68-7734; Filed, June 28, 1968; 8:46 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JUNE 25, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., 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 26, 1968, through July 5, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68-7735; Filed, June 28, 1968; 8:46 a.m.]

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

JUNE 25, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, 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 26, 1968, through July 5, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68-7731; Filed, June 28, 1968; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994, ICC Order 4; Amdt. 3]

CHICAGO, BURLINGTON, AND QUINCY RAILROAD CO.

Rerouting and Diversion of Traffic

Upon further consideration of ICC Order No. 4 (Chicago, Burlington, and

Quincy Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 4 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p.m., December 31, 1968, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1968, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 25, 1968.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 68-7749; Filed, June 28, 1968; 8:47 a.m.]

[Notice 636]

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 29392 (Sub-No. 11 TA), filed June 20, 1968. Applicant: LES JOHNSON CARTAGE, Post Office Box 305, Denmark, Wis. 54208. Applicant's representative: Nancy J. Johnson, Suite 301, Provident Building, 111 South Fairchild Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Green Bay, Wis., to points in Minnesota, for 180 days. Supporting shipper: Huron Cement Division of National Gypsum Co., Ford Building, Detroit, Mich. 48226 (E. J. Lubeck, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 44639 (Sub-No. 24 TA), filed June 20, 1968. Applicant: SAM MAITA AND IRVING LEVIN, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Stanhope and Justice, N.C., on the one hand, and, on the other, Crewe and Appomattox, Va., for 150 days. NOTE: Applicant intends to tack and combine with all authorized operations in MC 44639. Supporting shipper: Stanhope Manufacturing Co., Inc., Stanhope Community, Spring Hope, N.C. 27882. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 89716 (Sub-No. 45 TA), filed June 19, 1968. Applicant: DICK JONES TRUCKING, Box 965, Powell, Wyo. 82435. Applicant's representative: Thomas H. Cook, Box 606, Cody, Wyo. 82414. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board, sheathing lath, plaster, and related articles and accessories*, from Cody, Wyo., to points in Arthur, Banner, Box Butte, Chase, Cherry, Cheyenne, Dawes, Deuel, Dundy, Frontier, Garden, Grant, Hayes, Hitchcock, Hooker, Keith, Kimball, Lincoln, Logan, McPherson, Morrill, Perkins, Red Willow, Scottsbluff, Sheridan, Sioux, and Thomas Counties, Nebr., for 180 days. Supporting shipper: Big Horn Gypsum Co., Cody, Wyo. 82414. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 North Center Street, Casper, Wyo. 82601.

No. MC 97357 (Sub-No. 24 TA), filed June 20, 1968. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxygen and nitrogen*, from Fontana or Pittsburg, Calif., to Salt Lake City and Garfield, Utah, for 150 days. Supporting shipper: Union Carbide Corp., Distribution Department, 22 Battery Street, San Francisco, Calif. 94106. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 107496 (Sub-No. 667 TA), filed June 19, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Kansas City, Kans., to points in Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: Linwood Stone Products Co., Inc., Rural Route 2, Davenport, Iowa 52804. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 668 TA), filed June 19, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third; 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Kentucky, for 150 days. Supporting shipper: Godchaux-Henderson Sugar Co., Inc., Post Office Box 2043, Mobile, Ala. 36601. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 116273 (Sub-No. 108 TA), filed June 21, 1968. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry facings and foundry facing materials*, in bulk in tank vehicles, from Cicero, Ill., to Mishawaka, Ind., and Berlin, Milwaukee, Neenah, and Racine, Wis., for 150 days. Supporting shipper: The Hill & Griffith Co., 4606 West 16th Street, Chicago, Ill. 60650. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123310 (Sub-No. 10 TA), filed June 19, 1968. Applicant: VERNON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. 82001. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Cedar fencing lumber*, from points in Clearwater, Idaho, Latah, Nez Perce and Lewis Counties, Idaho, to points in Colorado, for 180 days. Supporting shipper: Lumber-Jack, Wholesale Building Materials Co., Post Office Box 1376, Englewood, Colo. 80110. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 North Center Street, Casper, Wyo. 82601.

No. MC 123681 (Sub-No. 11 TA), filed June 20, 1968. Applicant: WIDING TRANSPORTATION, INC., Post Office Box 03159, Portland, Oreg. 97203. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid, dry sodium chlorate, and caustic soda*, in bulk, from Portland, Oreg., to points in California, for 180 days. Supporting shipper: Pennsalt Chemicals Corp., Post Office Box 1297, Tacoma, Wash. 98401. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129613 (Sub-No. 3 TA), filed June 21, 1968. Applicant: ARTHUR H. FULTON, Stephens City, Va. 22655. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio, Detroit, Mich., Pittsburgh, Pa., and St. Louis, Mo., to Martinsburg, W. Va., for 180 days. Supporting shipper: Jefferson Distributing Co., Inc., Post Office Box 1185, Martinsburg, W. Va. 25401. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-7750; Filed, June 28, 1968; 8:47 a.m.]

[Notice 167]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 26, 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.

F.D. No. 25039. By order of June 20, 1968, the Transfer Board approved the transfer to Araserv, Inc., Philadelphia, Pa., of a portion of certificate No. W-651, issued August 8, 1942, to Sound Steamship Lines, Inc., Toms River, N.J., authorizing the transportation of: Passengers, in irregular service during the period from May to September, both inclusive, between points in New York Harbor, as well as harbors contiguous thereto, the limits of which harbors are as determined in our order of March 26, 1941, in Ex Parte No. 140, and points outside these harbors on the Hudson River as far north as Bear Mountain, N.Y. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC-FC-70523. By order of June 24, 1968, the Transfer Board approved the transfer to Brunson Transfer & Storage, Inc., San Antonio, Tex., of certificate No. MC-52472, issued June 8, 1956, to Beaumont Transfer & Storage Co., Inc., Beaumont, Tex., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between points within 3 miles of Beaumont, Tex., including Beaumont; and household goods, between Beaumont, Tex., and points within 50 miles thereof, on the one hand, and, on the other, points in Louisiana. Herbert W. Hill, 715 Frost Bank Building, San Antonio, Tex. 78205, attorney for applicants.

No. MC-FC-70574. By order of June 19, 1968, the Transfer Board approved the transfer to Bert Guenther and Rolland Guenther, doing business as Guenther Brothers Trucking Co., Ross, Ohio, the operating rights in permit No. MC-78725 issued February 13, 1962, to Ernest B. Kelley, Baton, Ohio, authorizing the transportation of: Alcoholic malt beverages, paper and paper products, materials, and supplies used in the manufacture of paper products, between points in Illinois, Ohio, Michigan, Indiana, Missouri, Wisconsin, and New York. Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202, attorney for applicants.

No. MC-FC-70576. By order of June 21, 1968, the Transfer Board approved the transfer to Robert B. Thorburn, doing business as American Parcel Service, Greensboro, N.C., of the operating rights in permit No. MC-127264 (Sub-No. 1) issued August 12, 1966, to A. R. Bailey and C. E. Norris, doing business as American Parcel Service, Greensboro, N.C., authorizing the transportation of: *Toilet preparations, cosmetics, tooth brushes, insecticides, and household sprays*; from Greensboro, N.C., to points in Person, Granville, Orange, Alamance, Yadkin, Davie, Caswell, Guilford, Rockingham, Stokes, Surry, Forsyth, Davidson, Randolph, Moore, and Chatham Counties, N.C., with no transportation for compensation on return except as otherwise authorized. A. W. Flynn, Jr., Post Office Box 127, Greensboro, N.C. 27402, attorney for applicants.

No. MC-FC-70577. By order of June 24, 1968, the Transfer Board approved the transfer to Harold W. Sommerfeld, Frederic, Wis., the operating rights in certificate No. MC-94062 issued April 2, 1964, to Gordon W. Anderson, Clam Falls, Wis., authorizing the transportation of; livestock, farm implements, hardware, seed, feed, grain, groceries, canned goods, dry goods, oil, and oil products, between points in Wisconsin and Minnesota. A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, practitioner.

No. MC-FC-70578. By order of June 24, 1968, the Transfer Board approved the transfer to W. A. Durdin, doing business as Durdin Bus Line, Southhaven, Miss., the operating rights in certificate No. MC-105047 issued October 7, 1965, to Mississippi Yellow Bus Lines, Inc., Memphis, Tenn., authorizing the transportation of passengers, and their baggage, in the same vehicle, between specified points in Mississippi and Memphis, Tenn. James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC-FC-70595. By order of June 24, 1968, the Transfer Board approved the transfer to Willard T. Bulifant, Pennsauken, N.J., of the operating rights in certificate No. MC-128062 (Sub-No. 1), issued August 11, 1967, to Pacific & Atlantic Trucking Co., Inc., Providence, N.J., authorizing the transportation of; paper and paper products, wool waste, empty cans, rubber and rubber products, between points in New York, New Jersey, and Pennsylvania. Alfred N. Lowenstein, 123 South Broad Street, Philadelphia, Pa. 19109, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 68-7751; Filed, June 28, 1968; 8:47 a.m.]

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13 CFR

121 ... 8547

14 CFR

25 ... 9065
39 ... 8336, 8537, 8590, 8591, 8731, 8809, 9252, 9253.
67 ... 9253
71 ... 8388, 8389, 8433, 8434, 8479, 8480, 8591, 8592, 8732, 8733, 8773, 9067, 9068, 9149, 9253, 9254, 9333–9335, 9464–9467.
73 ... 8434, 8480, 9068
75 ... 8434, 8592, 9334, 9335, 9467, 9468
95 ... 9149
97 ... 8435, 8733, 9151, 9468
105 ... 8480
121 ... 9065
151 ... 8266, 9543
199 ... 8267
242 ... 9286
288 ... 9335
370 ... 9480
375 ... 9337
378 ... 8481
385 ... 9068