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Pages 10917–10989

PART I

(Part II begins on page 10977)

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(As of January 1, 1968)

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FIRE PREVENTION WEEK, 1968

By the President of the United States of America

A Proclamation

Fire is the third largest cause of accidental death in America—and deaths from fire increased again last year.

The cost of homes and businesses which went up in flames last year is estimated to exceed $2 billion.

These tragic deaths and huge property losses constitute a shameful waste—which can and must be reduced.

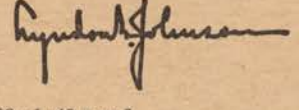
The Fire Research and Safety Act of 1968 was a first step toward better trained and better equipped firefighters and modern firefighting techniques. But while such legislation can provide the technical know-how which will help to reduce our fire losses, fires can be prevented only when each citizen actively cooperates and earnestly supports the efforts of his community fire department.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning October 6, 1968 as Fire Prevention Week.

I urge all groups involved in fire safety activities, such as the National Fire Protection Association, and State and local governments to observe Fire Prevention Week and to motivate all citizens toward year-round fire prevention activity.

I also direct the Federal Fire Council and all other Federal agencies to assist in this program so as to stop this shameful waste of lives and property caused by preventable fires.

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



[F.R. Doc. 68-9261; Filed, July 30, 1968; 1:43 p.m.]

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Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1968 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1968. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (as of Jan. 1, 1968):

CFR unit		Price
3	1967 Compilation	$1.00
4	(Rev.)	.30
5	(Rev.)	1.00
6	[Reserved]	
7	Parts:	
	0–45 (Rev.)	1.75
	46–51 (Rev.)	1.25
	52 (Rev.)	2.00
	53–209 (Rev.)	2.00
	210–699 (Rev.)	1.25
	700–749 (Rev.)	1.75
	750–899 (Rev.)	1.25
	900–944 (Rev.)	1.00
	945–980 (Rev.)	.65
	981–999 (Rev.)	.60
	1000–1029 (Rev.)	1.00
	1030–1059 (Rev.)	1.00
	1060–1089 (Rev.)	1.00
	1090–1119 (Rev.)	.70
	1120–1199 (Rev.)	.75
	1200–1499 (Rev.)	2.00
	1500–end (Rev.)	1.00
8	(Rev.)	.55
9	(Rev.)	1.50
10	(Rev.)	1.00
11	[Reserved]	
12	Parts:	
	1–399 (Rev.)	2.00
	400–end (Rev.)	1.00
13	(Rev.)	.70
14	Parts:	
	1–59 (Rev.)	1.75
	60–199 (Rev.)	1.75
	200–end (Rev.)	1.75
15	(Rev.)	1.50
16	Parts:	
	0–149 (Rev.)	1.75
	150–end (Rev.)	1.25
17	(Rev.)	2.00
18	(Rev.)	2.50
19	(Rev.)	2.00
20	(Rev.)	2.50
21	Parts:	
	1–119 (Rev.)	1.00
	120–129 (Rev.)	1.00
	130–146e (Rev.)	1.75
	147–end (Rev.)	1.00
22	(Rev.)	$1.25
23	(Rev.)	.30
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26	Parts:	
	1 (§§ 1.0–1—1.300) (Rev.)	2.00
	1 (§§ 1.301–1.400) (Rev.)	.65
	1 (§§ 1.401–1.500) (Rev.)	1.00
	1 (§§ 1.501–1.640) (Rev.)	.70
	1 (§§ 1.641–1.850) (Rev.)	1.00
	1 (§§ 1.851–1.1200) (Rev.)	1.50
	1 (§§ 1.1201–end) (Rev.)	2.00
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27	(Rev.)	.30
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29	Parts:	
	0–499 (Rev.)	.75
	500–899 (Rev.)	2.00
	900–end (Rev.)	.75
30	(Rev.)	1.25
31	(Rev.)	1.75
32	Parts:	
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	9–39 (Rev.)	1.50
	40–399 (Rev.)	1.50
	400–589 (Rev.)	1.50
	590–699 (Supp.)	.50
	700–799 (Rev.)	2.50
	800–999 (Rev.)	1.50
	1000–1199 (Rev.)	1.00
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Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

LICENSE FEES FOR FACILITY LICENSES AND MATERIALS LICENSES

A notice of proposed rule making was published by the Atomic Energy Commission in the FEDERAL REGISTER on March 11, 1967 (32 F.R. 3995) proposing the establishment of license fees for facility construction permits and operating licenses issued under 10 CFR Part 50 and for specific byproduct, source, and special nuclear material licenses issued under 10 CFR Parts 30, 40, and 70. The fees were set out in a proposed new Part 170. Amendments to Parts 30, 40, 50, and 70 to reflect proposed application filing fee requirements also were proposed.

The Commission's decision to propose fees for licenses was made in accordance with Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) which states:

> It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation * * * to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *

General policies for developing an equitable and uniform system of charges in implementation of the above-cited provisions of the Independent Offices Appropriation Act of 1952, have been set forth by the Bureau of the Budget in Circular No. A–25 and in a memorandum

dated February 15, 1965, directed to heads of Federal agencies.

The notice of proposed rule making allowed 60 days for comment by interested persons. By notice published in the FEDERAL REGISTER on April 18, 1967 (32 F.R. 6099) the time for filing comments was extended to July 9, 1967. Many comments have been received.

The amendments which follow have been adopted by the Commission after careful consideration of those comments and further Commission study. The revised fee schedule eliminates most fees for materials licenses included in the previously proposed amendments, including those for medical uses. The Commission is continuing to study the matter of fees for materials licenses.

The categories of materials licenses which will be subject to application fees and annual fees are:

a. Licenses for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials;

b. Licenses for special nuclear material in quantities sufficient to form a critical mass, except for licenses for plutonium-beryllium neutron sources; and

c. Waste disposal licenses specifically authorizing the receipt of waste radioactive materials for the purpose of commercial disposal by land or sea burial. (This category of fees would not be applicable to licenses which authorize collection, processing, storage, and transfer of wastes to another person for land or sea burial to be performed by the transferee.)

The exception of licenses for special nuclear material in plutonium-beryllium neutron sources, which was not included in the proposed rule, is based upon the lack of criticality considerations involved in the licensing of such sources.

The schedule of fees for licenses for production and utilization facilities in § 170.21 of Part 170 eliminates the broad categorization of reactors set forth in notice of proposed rule making published on March 11, 1967. Fees for power reactors will be assessed on the basis of the number of megawatts of rated power (sliding scale) of the facility involved. Single fees for other facilities are established. The Commission considers that such a basis for assessment is more equitable than the grouping basis set forth in the notice of proposed rule making.

Proposed § 170.11(a)(4) has been revised to exempt from licensing fees licenses for materials or facilities other than power reactors issued to nonprofit educational institutions, used for training, teaching, or medical purposes. Many licenses for facilities or materials of this type would have fallen within the exemption of § 170.11(a)(4) as set forth in the proposed rule for licenses issued to nonprofit educational institutions holding an AEC research assistance contract or loan agreement. The present exemption, however, applies to a nonprofit educational institution which is licensed to operate a facility, other than a power reactor, for teaching, training, or medical purposes or to use materials for such purposes, but does not have a loan agreement or university reactor assistance contract with the Commission.

A new § 170.11(a)(5) has been added which specifically exempts Government agencies from licensing fees.

A number of editorial changes of a clarifying nature also have been made.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 30, 40, 50, and 70, and a new 10 CFR Part 170 are published as a document subject to codification, to be effective 60 days after publication in the FEDERAL REGISTER. The Commission invites all interested persons who desire to submit written comments or suggestions in connection with the amendments and regulation to send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Consideration will be given such submission with the view to possible amendments. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

1. Section 30.32 of 10 CFR Part 30 is amended by adding a new paragraph (e) to read as follows:

§ 30.32 Applications for specific licenses.

* * * * *

(e) Each application for a byproduct material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in Part 170 of this chapter.[1]

PART 40—LICENSING OF SOURCE MATERIAL

2. Section 40.31 of 10 CFR Part 40 is amended by adding a new paragraph (f) to read as follows:

§ 40.31 Applications for specific licenses.

* * * * *

(f) Each application for a source material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in Part 170 of this chapter.[2]

[1] Section 170.31 prescribes fees for licenses for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials, and for waste disposal licenses specifically authorizing receipt of waste byproduct material from other persons for commercial disposal by land or sea burial by the waste disposal licensee.

[2] Section 170.31 prescribes fees for waste disposal licenses specifically authorizing the receipt of waste source material from other persons for commercial disposal by land or sea burial by the waste disposal licensee.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

3. Section 50.30 of 10 CFR Part 50 is amended by adding a new paragraph (d) to read as follows:

§ 50.30 Filing of applications for licenses, oath or affirmation.

* * * * *

(d) *Filing fees.* Each application for a production or utilization facility license, including, whenever appropriate, a construction permit, other than a license exempted from Part 170 of this chapter, shall be accompanied by the fee prescribed in Part 170 of this chapter. No fee will be required to accompany an application for renewal, amendment or termination of a construction permit or operating license, except as provided in § 170.21 of this chapter.

PART 70—SPECIAL NUCLEAR MATERIAL

4. Section 70.21 of 10 CFR Part 70 is amended by adding a new paragraph (e) to read as follows:

§ 70.21 Filing.

* * * * *

(e) Each application for a special nuclear material license, other than a license exempted from Part 170 of this chapter, and other than an application for renewal or amendment of a license, shall be accompanied by the fee prescribed in § 170.31 of this chapter.[1]

5. Chapter 1 of Title 10 of the Code of Federal Regulations is amended by adding a new part 170 to read as follows:

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

GENERAL PROVISIONS

SCHEDULE OF FEES

ENFORCEMENT

AUTHORITY: The provisions of this Part 170 issued under 65 Stat. 290; 31 U.S.C. 483a and sec. 161, 68 Stat. 948; 42 U.S.C. 2201.

[1] Section 170.31 prescribes fees for licenses for special nuclear material in quantities sufficient to form a critical mass as defined in § 170.3 of this chapter, except for licenses authorizing possession and use of plutonium-beryllium neutron sources; and for waste disposal licenses specifically authorizing the receipt of waste special nuclear material from other persons for commercial disposal by land or sea burial by the waste disposal licensee.

GENERAL PROVISIONS

§ 170.1 Purpose.

The regulations in this part set out fees charged for licensing services rendered by the Atomic Energy Commission, as authorized under Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a) and provisions regarding their payment.

§ 170.2 Scope.

Except for persons who apply for or hold the licenses exempted in § 170.11, the regulations in this part apply to each person who is an applicant for, or holder of, a specific license for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials issued pursuant to Part 30 of this chapter, for special nuclear material in quantities sufficient to form a critical mass as defined in § 170.3 of this chapter, except for licenses authorizing possession and use of plutonium-beryllium neutron sources, issued pursuant to Part 70 of this chapter, for the receipt of waste byproduct material, source material, or special nuclear material from other persons for the specific purpose of commercial disposal by land or sea burial by the waste disposal licensee issued pursuant to Parts 30, 40, and 70 of this chapter or for a production or utilization facility issued pursuant to Part 50 of this chapter.

§ 170.3 Definitions.

As used in this part:

(a) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(b) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(c) "Materials license" means a byproduct material license issued pursuant to Part 30 of this chapter, or a source material license issued pursuant to Part 40 of this chapter, or a special nuclear material license issued pursuant to Part 70 of this chapter.

(d) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(e) "Other production or utilization facility" means a facility other than a nuclear reactor licensed by the Commission under the authority of section 103 or 104 of the Atomic Energy Act of 1954, as amended (the Act), and pursuant to the provisions of Part 50 of this chapter.

(f) "Power reactor" means a nuclear reactor designed to produce electrical or heat energy licensed by the Commission under the authority of section 103 or subsection 104b of the Act and pursuant to the provisions of §§ 50.21(b) or 50.22 of this chapter.

(g) "Production facility" means:

(1) Any nuclear reactor designed or used primarily for the formation of plutonium or uranium-233; or

(2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only; or

(3) Any facility designed or used for the processing of irradiated materials containing special nuclear material, except (i) laboratory scale facilities designed or used for experimental or analytical purposes, and (ii) facilities in which the only special nuclear materials contained in the irradiated material to be processed are uranium enriched in the isotope U^{233} and plutonium produced by the irradiation, if the material processed contains not more than 10^{-6} grams of plutonium per gram of U^{235} and has fission product activity not in excess of 0.25 millicurie of fission products per gram of U^{235}.

(h) "Research reactor" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 50.21(c) of this chapter for operation at a thermal power level of 10 megawatts or less, and which is not a testing facility as defined by paragraph (m) of this section.

(i) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material.

(j) "Source material" means:

(1) Uranium or thorium, or any combination thereof, in any physical or chemical form; or

(2) Ores which contain by weight one-twentieth of one percent (0.05%) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material.

(k) "Special nuclear material" means:

(1) Plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material but does not include source material; or

(2) any material artificially enriched by any of the foregoing, but does not include source material.

(l) "Special nuclear material in quantities sufficient to form a critical mass" means uranium enriched in the isotope U^{235} in quantities in excess of 350 grams of contained U^{235}; uranium-233 in quantities in excess of 200 grams; plutonium in quantities in excess of 200 grams; or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. If the sum of such ratios for all kinds of special nuclear materials in combination exceeds unity, the quantities are deemed sufficient to form a critical mass. For example,

$$\frac{210 \text{ (grams contained } U^{235})}{350} + \frac{50 \text{ (grams } U^{233})}{200} + \frac{50 \text{ (grams Pu)}}{200} = 1.1$$

(m) "Testing facility" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 5021(c) of this chapter for operation at:

(1) A thermal power level in excess of 10 megawatts; or

(2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

(i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or

(ii) A liquid fuel loading; or

(iii) An experimental facility in the core in excess of 16 square inches in cross-section.

(n) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U^{233} and any other equipment or device determined by rule of the Commission to be a utilization facility within the purview of subsection 11cc of the Act.

(o) "Waste disposal license" means a license specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.

§ 170.4 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 170.5 Communications.

All communications concerning the regulations in this part should be addressed to the Director of Regulations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

§ 170.11 Exemptions.

(a) No application filing fees, license fees, or annual fees shall be required for:

(1) A license authorizing the export only of a production or utilization facility.

(2) A license authorizing the export only or import only of byproduct material, source material or special nuclear material.

(3) A license authorizing the receipt, ownership, possession, use or production of byproduct material, source material, or special nuclear material incidental to the operation of a production or utilization facility licensed under Part 50 of this chapter, including a license under Part 70 of this chapter, authorizing possession and storage only of special nuclear material at the site of a nuclear reactor for use as fuel in operation of the nuclear reactor or at the site of a spent fuel processing plant for processing at the plant.

(4) A construction permit or license applied for by, or issued to, a nonprofit educational institution for a production facility or utilization facility, other than a power reactor, to be used for teaching, training, or medical purposes, or for byproduct material, source material, or special nuclear material to be used for teaching, training, or medical purposes, or in connection with a facility, other than a power reactor, used for teaching, training, or medical purposes.

(5) A construction permit or license applied for by, or issued to, a government agency.

(b) The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest.

§ 170.12 Payment of fees.

(a) *Application fees.* Each application for which a fee is prescribed in this part shall be accompanied by a remittance in the full amount of the fee. No application will be accepted for filing or processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *Construction permit fees and operating license fees.* Fees for construction permits and operating licenses are payable when the provisional construction permit or provisional operating license, if any, is issued. Otherwise, fees are payable when the construction permit or operating license is issued. No provisional construction permit or provisional operating license, or construction permit or operating license, as the case may be, will be issued by the Commission until the full amount of the fee prescribed in this part has been paid.

(c) *Annual fees.* Annual fees prescribed in this part are payable in the case of licenses outstanding on the effective date of this part, 1 year after the effective date of this part and annually thereafter. In the case of the licenses issued after the effective date of this part, annual fees are payable 1 year after the first of the month following the date of issuance of the license or provisional operating license, if any, whichever is earlier, and annually thereafter.

(d) *Method of payment.* Fee payments shall be by check, draft, or money order payable to the U.S. Atomic Energy Commission.

SCHEDULE OF FEES

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the following fees:

SCHEDULE OF FEES

Facility (thermal megawatt values refer to the maximum capacity stated in the permit or license) [1]	Application fee for construction permit	Construction permit fee	Operating license fee	Annual fee after issuance of operating license
(1) Power reactor	$2,500	$5,000+$10/Mw(t) [2]	$2/Mw(t) [2]	$2/Mw(t) [2]
(2) Testing facility	800	3,000	1,000	1,000
(3) Research reactor	300	2,000	500	500
(4) Other production or utilization facility	1,500	5,000	2,000	2,000

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

[2] Thermal megawatts.

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials license	Application fee	Annual fee
1. Licenses for byproduct material of 100,000 curies or more in sealed sources used for irradiation of materials.	$500	$100
2. Licenses for special nuclear material in quantities sufficient to form a critical mass, except for licenses authorizing possession and use of plutonium-beryllium neutron sources.	300	100
3. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by waste disposal licensee.	500	200

ENFORCEMENT

§ 170.41 Failure by licensee to pay annual fees.

In any case where the Commission finds that a licensee has failed to pay the applicable annual fee required in this part, the Commission may suspend or revoke the license or may issue such order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, and 70 of this chapter and of the Act.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown, Md., this 26th day of July 1968.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 68-9160; Filed, July 31, 1968; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 21,970]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Notice and Certificate Accounts

Correction

In F.R. Doc. 68-8912 appearing at page 10522 in the issue of Wednesday, July 24, 1968, the following change should be made in paragraph (b) (1) of § 526.5; The word "country" appearing in the fourth line should read "county".

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 18—MILK AND CREAM

Nonfat Dry Milk Fortified With Vitamins A and D; Order Establishing Definition and Standard of Identity

In the matter of establishing a definition and standard of identity for nonfat dry milk fortified with vitamins A and D:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of May 9, 1968 (33 F.R. 6977), based on:

1. A petition filed by the American Dry Milk Institute, 130 North Franklin Street, Chicago, Ill. 60606; and

2. A proposal by the Commissioner of Food and Drugs on his own initiative that the proposed standard include a recital of the fact that the food is subject

to the regulations for foods for special dietary uses promulgated under section 403(j) of the Federal Food, Drug, and Cosmetic Act and that the name of the food be "nonfat dry milk fortified with vitamins A and D" instead of the name proposed by the petitioner.

Twelve comments were received in response to the proposal of which one, from a consumer, opposed it. The other comments generally favored the proposal and some included suggested changes.

Two ingredient suppliers suggested that the standard also provide for fortification of dry milk with vitamin E. This suggestion has not been adopted because sufficient grounds were not given to show it would be reasonable and would promote honesty and fair dealing in the interest of consumers.

A modification suggested by the American Medical Association to specify maximum as well as minimum levels of vitamins A and D to be used in fortifying this food has been incorporated.

Based on consideration given the comments filed, the information furnished by the petitioner, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for nonfat dry milk fortified with vitamins A and D as set forth below.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52, Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Part 18 be amended by adding thereto the following new section:

§ 18.545 Nonfat dry milk fortified with vitamins A and D; identity; label statement of optional ingredients.

(a) Nonfat dry milk fortified with vitamins A and D conforms to the definition and standard of identity prescribed for nonfat dry milk by Public Law 78–244, March 2, 1944, Ch. 77, 58 Stat. 108, as amended by Public Law 84–646, July 2, 1956, Ch. 495, 70 Stat. 486; 21 U.S.C. 321c, except that:

(1) Vitamin A is added in such quantity that, when prepared according to label directions, 8 fluid ounces of the reconstituted product contains 500 U.S.P. units thereof.

(2) Vitamin D is added in such quantity that, when prepared according to label directions, 8 fluid ounces of the reconstituted product contains 100 U.S.P. units thereof.

(b) The requirements of paragraph (a) (1) and (2) of this section will be deemed to have been met if reasonable overages of the vitamins, within limits of good manufacturing practice, are present to insure that the required levels of the vitamins are maintained throughout the expected shelf life of the food under customary conditions of distribution. The vitamins may be added in a harmless carrier, such carrier being used only in the quantity reasonably necessary to effect an intimate and uniform admixture of such substances with the nonfat dry milk.

(c) The name of the food is "Nonfat dry milk fortified with vitamins A and D."

(d) Nonfat dry milk fortified with vitamins A and D is subject to the regulations for foods for special dietary uses promulgated under the provisions of section 403(j) of the Federal Food, Drug, and Cosmetic Act.

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

Effective date. This order shall become effective 31 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: July 23, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-9218; Filed, July 31, 1968; 8:49 a.m.]

PART 42—EGGS AND EGG PRODUCTS

Frozen Whole Eggs, Identity Standard; Confirmation of Effective Date of Order Listing Monopotassium Phosphate as Optional Color Preservative

In the matter of amending the standard of identity for frozen whole eggs (21 CFR 42.20) to list monopotassium phosphate as an optional color preservative:

One objection was filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 1, 1968 (33 F.R. 8225). The issue raised by the objector, a firm that packs frozen whole eggs that have high color, was that the firm does not use color additives or preservatives and feels that the amendment promulgated by the subject order would be detrimental to the firm's business.

The standard of identity for frozen whole eggs was amended on March 19, 1966 (31 F.R. 4677), to provide for the optional use of monosodium phosphate as a color preservative. Information submitted in support of the amendment of 1966 and the subject amendment is that the original color of the liquid whole eggs is protected by monosodium phosphate and monopotassium phosphate during and following freezing and that the original color is not enhanced by the addition of these substances.

The Commissioner of Food and Drugs concludes that the objection received in response to the order does not meet the requirements of section 701(e)(2) of the Federal Food, Drug, and Cosmetic Act and accordingly does not justify staying the order and scheduling a hearing.

Therefore, pursuant to the provisions of said act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120), notice is given that the amendment promulgated by the subject order will become effective July 31, 1968.

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

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9217; Filed, July 31, 1968; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 3000.1]

DMO 3000.1—PROCEDURES FOR OBTAINING TELECOMMUNICATION RESOURCES FOR USE DURING A NATIONAL EMERGENCY

Revocation of Annex 2

Annex 2, entitled "Procedures for Obtaining International Telecommunication Service (Radio and Cable) for use During a National Emergency" of Defense Mobilization Order 3000.1, entitled "Procedures for Obtaining Telecommunications Resources for Use During a National Emergency" (28 F.R. 12273) is hereby revoked and replaced by Part 202, Chapter II, Director of Telecommunications Management, Title 47 of the Code of Federal Regulations.[1]

This revocation shall be effective as of August 1, 1968.

Dated: July 26, 1968.

PRICE DANIEL,
Director, Office of Emergency Planning.

[F.R. Doc. 68-9194; Filed, July 31, 1968; 8:47 a.m.]

[1] F.R. Doc. 68-9195, *infra*.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17652; FCC 68-752]

PART 87—AVIATION SERVICES

Change in Frequencies Available for Assignment to Aeronautical En Route Stations Engaged in International High Frequency Service

Second report and order. 1. A report and order in the above-captioned matter was released November 17, 1967, and was published in the FEDERAL REGISTER on November 25, 1967 (32 F.R. 16160). The report and order was based on the ICAO plan then in effect and the proceeding was terminated. Subsequently, a revised HF plan was adopted by ICAO and an assignment plan for the CAR region was approved.

2. The purpose of this second report and order is to amend the rules concerning frequencies available to aeronautical en route stations providing international high frequency service to bring them into conformity with the present agreed upon international plans. The changes provide, for the most part, additional frequencies and will have no adverse impact on present licensees.

3. The ICAO Secretariat has indicated that coordination with member states has brought evidence through monitoring, that interference to several of the new frequencies presently exists. In the event that all frequencies cannot be sufficiently cleared it may be necessary to make future revisions to the assignment plan. Since the conversion to the new frequencies in the plan is in three steps, beginning September 19, 1968, and ending September 17, 1970, additional reports and orders may be required until final implementation of the plan is accomplished. Due to the short time available until the first implementation date it is not feasible to wait for further ICAO coordination.

4. The amendments herein are noncontroversial in nature and, hence, the prior notice, procedure and effective date provisions of 5 U.S.C. section 553 are not applicable.

5. In view of the foregoing: *It is ordered,* That the proceeding in this docket is reopened and pursuant to the authority contained in sections 4(i) and 303 (c), (h), and (r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is amended effective August 5, 1968, as set forth below.

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

Adopted: July 24, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION [1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Chairman Hyde absent; Commissioner Johnson concurring in the result.

Section 87.303 is amended to read as follows:

§ 87.303 International high frequency service.

Frequencies available for assignment by the authority having jurisdiction over the respective international aeronautical en route stations on the Major World Air Route Areas (MWARAs) as defined in the EARC Agreement (Geneva 1959) revised by the EARC Agreement (Geneva 1966) and the International Civil Aviation Organization (ICAO) Assignment Plan of November 1967 are as follows:

(a) *Central East Pacific (CEP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3432.5	3467	Sept. 19, 1968 [1]
3446.5	5554	
3467.5	5603	
3481.5	8931	
5551.5		
5604		
8930.5		
6612	8875	Sept. 17, 1970 [1]
6679.5		
8879.5		
10048	13336	Sept. 18, 1969 [1]
10084	[2] 17909	
11299.5		
13304.5		
13334.5		

[1] 0001 Greenwich mean time.
[2] Secondary basis.

(b) *Central West Pacific (CWP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2966	2896	Sept. 17, 1970 [1]
5536.5	6631	
8862.5	8854	
	4675	Sept. 19, 1968 [1]
5506.5	5505	
	11303	Sept. 18, 1969 [1]
13354.5	13296	
17906.5	17909	

[1] 0001 Greenwich mean time.

(c) *North Pacific (NP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2987	2910	Sept. 19, 1968 [1]
5521.5	5589	
8939	8938	Sept. 17, 1970 [1]
13274.5	13264	Sept. 18, 1969 [1]
17906.5	17909	

[1] 0001 Greenwich mean time.

(d) *South Pacific (SP).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2945	[1] 2945	Sept. 17, 1970 [2]
5641.5	5638	
8845.5	8847	
13344.5	13304	Sept. 18, 1969 [2]
17946.5	[3] 17909	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(e) *North Atlantic (NA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2868	[1] 2868	Sept. 19, 1968 [2]
2931	[1] 2931	
2945	[1] 2945	
2987	[1] 2987	
5611.5	5610	Sept. 19, 1968 [2]
5626.5	5624	
5671.5	5673	
5641.5	5638	Sept. 17, 1970 [2]
8862.5	8854	
8888	8889	
8913.5	8910	
8947.5	8945	
13264.5	13288	Sept. 18, 1969 [2]
13284.5	13328	
13324.5	13352	
13354.5	[3] 17965	
17966.5		

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(f) *Europe (EU).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2889	[1] 2910	Sept. 19, 1968 [2]
2910	3467	
3467.5	4689	
3481.5	5554	
4689.5	[1] 6582	
5551.5	8931	
6582		
8930.5		
4654.5	6568	Sept. 17, 1970 [2]
6552	8875	
8871		
11299.5	11303	Sept. 18, 1969 [2]
17906.5	[3] 17965	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(g) *South America-West (SAM-1).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2889	[1] 2889	Sept. 19, 1968 [2]
4696.5	4696	
6664.5	6666	Sept. 17, 1970 [2]
8820	8826	
13314.5	11343	Sept. 18, 1969 [2]
17916.5	[3] 17925	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(h) *South America-East (SAM-2).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2910	[1] 2910	Sept. 19, 1968 [2]
2966	5582	
3404.5		
5566.5		
5581.5		
6567	8847	Sept. 17, 1970 [2]
8845.5		
8871		
11290	11327	Sept. 18, 1969 [2]
11337.5	13320	
13344.5	[3] 17925	
17916.5		

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(i) *South Atlantic (SA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
[1] 2875		
3432.5	3432	Sept. 19, 1968 [2]
6597		
3432.5	[1] 2875	
6642	6610	
6679.5	6680	Sept. 17, 1970 [2]
8939	8882	
8879.5	10049	
10048	13344	Sept. 18, 1969 [2]
13274.5	[3] 17925	
17946.5		

[1] Limited to south of 30° north latitude.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

(j) *South East Asia (SEA).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2987	2987	
5671.5	5673	Sept. 19, 1968 [1]
8837		
8879.5	8868	Sept. 17, 1970 [1]
8930.5	8882	
13284.5	13312	Sept. 18, 1969 [1]
17966.5	17965	

[1] 0001 Greenwich mean time.

(k) *Far East (FE).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2868	[1] 2868	
5611.5	2087	Sept. 19, 1968 [2]
	5624	
8871	5645	
	[3] 8840	Sept. 17, 1970 [2]
	8868	
13284.5	13288	
17966.5	13312	Sept. 18, 1969 [2]
	17965	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Use in ICAO Network SEA-2 is on noninterference basis.

(l) *Middle East (ME).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3404.5	3404	
3446.5	3446	Sept. 19, 1968 [1]
5604	5603	
6627	6624	
8845.5	8847	Sept. 17, 1970 [1]
10021	10009	
13334.5	13336	Sept. 18, 1969 [1]
17926.5	[2] 17965	

[1] 0001 Greenwich mean time.
[2] Secondary basis.

(m) *Africa-West (NSA-1).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
3411.5	3411	
5521.5	5519	Sept. 19, 1968 [1]
13304.5	13304	
8820	8826	Sept. 17, 1970 [1]
17946.5	[2] 17925	Sept. 18, 1969 [1]

[1] 0001 Greenwich mean time.
[2] Secondary basis.

(n) *Africa-East (NSA-2).*

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2966	2966	
5506.5	3481	Sept. 19, 1968 [1]
	5505	
8956	6540	
	6561	Sept. 17, 1970 [1]
	8959	
13334.5	10025	
17926.5	13280	Sept. 18, 1969 [1]
	13336	
	[2] 17925	

[1] 0001 Greenwich mean time.
[2] Secondary basis.

Section 87.305 is amended to read as follows:

§ 87.305 Caribbean area.

Frequencies available for assignment to serve international air routes in the Caribbean area.

Caribbean (CAR).

Frequencies available before conversion date (kc/s)	Frequencies available after conversion date (kc/s)	Conversion date
2875		
2952	[1] 2952	
2966	[1] 2966	Sept. 19, 1968 [2]
5499	5484	
5619	5568	
5566.5	6540	
6537	6561	
8837	6568	Sept. 17, 1970 [2]
8871	8840	
	8959	
10021	10017	
13294.5	11343	
13344.5	11367	Sept. 18, 1969 [2]
17936.5	13320	
	[3] 17925	

[1] No change.
[2] 0001 Greenwich mean time.
[3] Secondary basis.

[F.R. Doc. 68-9139; Filed, July 31, 1968; 8:45 a.m.]

Chapter II—Director of Telecommunications Management

[Telecom Circular 3300.2]

PART 202—PROCEDURES FOR OBTAINING INTERNATIONAL TELECOMMUNICATION SERVICE FOR USE DURING A NATIONAL EMERGENCY

Part 202 is added to Title 47, Chapter II, reading as follows. This Part 202 replaces Annex 2 of DMO 3000.1, dated November 8, 1963 (28 F.R. 12273), which is being cancelled by the Director of the Office of Emergency Planning.

Sec.
202.0 Authority.
202.1 Purpose.
202.2 Scope.
202.3 Circuit restoration procedures.
202.4 Responsibilities.
202.5 Other requirements.
202.6 Coordination of requirements.
202.7 Implementation.

AUTHORITY: The provisions of this Part 202 issued under E.O. 10995, E.O. 11084, 27 F.R. 1519, 28 F.R. 1531, 3 CFR 1959–1963 Comp.; Memorandum of Aug. 21, 1963, 28 F.R. 9413, 3 CFR 1959–1963 Comp.

§ 202.0 Authority.

(a) Authority to prescribe procedures for obtaining telecommunication resources during an emergency is contained in Executive Order 10995 (27 F.R. 1519, 3 CFR, 1959–1963 Comp., p. 535, as amended, 28 F.R. 1531; 3 CFR, 1959–1963 Comp., p. 719), and the President's National Communications Memorandum of August 21, 1963 (28 F.R. 9413, 3 CFR, 1959–1963 Comp., p. 858).

(b) These procedures are applicable to the communications common carriers and non-Federal Government users under the President's authority contained in subsection 606(a) of the Communications Act of 1934, as amended. The authority under subsection 606(a) has been delegated by Executive Order 10705 to the Director, Office of Emergency Planning, who in turn, has redelegated it to the Director of Telecommunications Management. This authority may be exercised only during the continuance of a war in which the United States is engaged.

§ 202.1 Purpose.

The purpose of this part is to replace Annex 2 of DMO 3000.1, 32A CFR, Chap. I, and to provide specific guidance to Government and private entities who may have new requirements for international telecommunication service during national emergencies.

§ 202.2 Scope.

The procedures in this part provide guidance for the submission of emergency requirements for telecommunication channels between the United States and overseas or foreign points. Guidance on this subject was previously contained in Annex 2 of DMO 3000.1 and Mobilization Plan IX-3. Mobilization Plan IX-3 has been canceled.

§ 202.3 Circuit restoration procedures.

The restoration priority procedures for these emergency requirements shall be in accordance with the order entitled "Priority System for the Use and Restoration of Leased Intercity Private Line Services During Emergency Conditions," FCC Order 67-51 and DTM, 32 F.R. 791.

§ 202.4 Responsibilities.

(a) Executive departments and agencies of the United States, whether or not components of the National Communications System (NCS), shall submit their international emergency telecommunications requirements to the Executive Agent, National Communications System, for coordination and consolidation of mobilization requirements.

(b) The Department of Defense shall coordinate NATO requirements in consonance with approved NATO/U.S. procedures for subsequent processing by the Executive Agent, National Communications System.

(c) The Department of State shall coordinate and approve foreign government circuit requirements and then forward them to the Executive Agent, NCS, for further processing.

§ 202.5 Other requirements.

Those entities, other than Executive departments and agencies of the United States, having need for emergency international telecommunication service shall present their requirements to the Federal Communications Commission (FCC).

§ 202.6 Coordination of requirements.

(a) The NCS and FCC shall meet periodically to review the total mobilization requirements and to evaluate the impact of these requirements upon the common carriers' capability. If the situation develops in which emergency requirements cannot be provided by the communications common carriers, the Executive Agent, NCS, or the FCC, as appropriate, shall immediately notify the Director of Telecommunications Management of that situation.

(b) The Director of Telecommunications Management will assume the responsibility for coordinating and integrating mobilization requirements which are presented to him, making use of the knowledge, information, and advice of the FCC. These requirements shall be evaluated with due regard to facilities which must remain under the control of the commercial companies and those which must be generally available to the public and the Government.

§ 202.7 Implementation.

Executive departments and agencies of the United States are authorized to issue such additional orders as are necessary to effect implementation of this part.

Effective date. This part shall be effective as of August 1, 1968.

Dated: July 24, 1968.

J. D. O'CONNELL,
Director of Telecommunications Management.

[F.R. Doc. 68-9195; Filed, July 31, 1968; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Buzzards Bay and Adjacent Waters, Mass.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), paragraph (b) of § 204.5 governing the use and navigation of a danger zone in Buzzards Bay, Mass., is hereby revoked, effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

§ 204.5 Buzzards Bay, and adjacent waters, Mass.; danger zones for naval operations.

* * * * *

(b) *Buzzards Bay in vicinity of Gull Island.* [Revoked]

[Regs., July 15, 1968, 1507-32 (Buzzards Bay, Mass.) ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. F. ASKEY,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 68-9161; Filed, July 31, 1968; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 742—CODE OF ETHICAL CONDUCT

Personal Conduct of Employees

I. In Part 742 make the following changes which were approved by the Civil Service Commission on June 26, 1968, and are effective upon publication in the FEDERAL REGISTER:

A. Section 742.735-23 is revised to conform to § 735.107(a) of the Civil Service Regulations (5 CFR 735.107(a) and now reads as follows:

§ 742.735-23 Standards of conduct.

(a) The President has also prescribed standards of conduct for all Government employees in Executive Order 11222 of May 8, 1965, Vol. 30, Federal Register 6469. Pursuant to that Executive Order and Civil Service Commission Regulations thereunder, Vol. 32, F.R. 8281, June 9, 1967, the Postmaster General has issued these regulations to govern the conduct of all employees of the Department, including special Government employees.

(b) A violation of the standards of conduct set forth in this part, or in the laws referred to in this part, may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

NOTE: The corresponding Postal Manual section is 742.23.

B. A new paragraph (h)(2) is added to § 742.735-29 to prohibit employees from bringing any intoxicating liquors onto premises occupied by any postal facility. Present paragraph (h)(2) is redesignated paragraph (h)(3).

§ 742.735-29 Other conduct by employees.

* * * * *

(h) *Personal.* * * *

(2) *Possession of intoxicating liquors.* Employees shall not bring or have beer, wine, or intoxicating liquor on premises occupied by any postal facility, including headquarters, regardless of whether the container therefor is open or not.

* * * * *

NOTE: The corresponding Postal Manual section is 742.298b.

(5 U.S.C. 301, 39 U.S.C. 501; Executive Order 11222)

JULY 30, 1968.

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-9233; Filed, July 31, 1968; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

This amendment of the Federal Procurement Regulations changes § 1-2.407-8 and adds § 1-30.104-1 in order to provide, respectively, for the expeditious handling of reports requested from agencies by the General Accounting Office in connection with protests against contract awards and to indicate the availability of the letter of credit method of financing advance payments provided by Treasury Department Circular 1075, Revised, February 13, 1967.

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.4—Opening of Bids and Award of Contract

Section 1-2.407-8 is amended to amplify the provisions of paragraph (a) and reads as follows:

§ 1-2.407-8 Protests against award.

(a) *General.* Contracting officers shall consider all protests or objections to the award of a contract, whether submitted before or after award. If the protest is oral and the matter cannot otherwise be resolved, written confirmation of the protest shall be requested. The protester shall be notified in writing of the final decision on the written protest. Where protests against award are submitted directly to the General Accounting Office, GAO will inform the contracting agency of the protest and request a report on the matter. Agencies shall forward such reports to GAO as expeditiously as practicable. To facilitate these submissions, agencies shall furnish GAO with the name, title, and telephone number of one or more officials (in both field and headquarters offices, if desired) which GAO may contact regarding protests. Each agency shall be responsible for promptly advising GAO of any change in such designated officials. As a further means of expediting these submissions, agencies may provide for reports to be forwarded directly to GAO by the office handling the contract without reference to the headquarters office of the agency.

* * * * *

PART 1-30—CONTRACT FINANCING

The table of contents for Part 1-30 is amended to add the following entry:

1-30.104-1 Letters of credit.

Subpart 1-30.1—Forms of Financing

Section 1-30.104-1 is added which reads as follows:

§ 1-30.104-1 Letters of credit.

The letter of credit method of financing advance payments to contractors may be employed as provided in Treasury Department Circular 1075, Revised, February 13, 1967.

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

Effective date. The amendment is effective September 10, 1968, but may be observed earlier.

Dated: July 25, 1968.

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

[F.R. Doc. 68-9190; Filed, July 31, 1968; 8:47 a.m.]

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–1—GENERAL

1. Sections 8–1.307–2 and 8–1.307–6 are added to read as follows:

§ 8–1.307 Purchase descriptions.

§ 8–1.307–2 General requirements.

When a purchase description is used to describe required items of mechanical equipment, the invitation for bids or request for proposals will include the service data manual and guarantee clauses set forth in § 8–7.150–24.

§ 8–1.307–6 Invitation for bids, "brand name or equal" descriptions.

The invitation for bids or request for proposals on mechanical equipment using "brand name or equal" purchase descriptions will, in addition to the clause required by FPR 1–1.307–6, contain the service data manual and guarantee clauses set forth in § 8–7.150–24.

2. Section 8–1.311, paragraph (d) is revoked and paragraph (c)(8) is added to read as follows:

§ 8–1.311 Priorities, allocations, and allotments.

* * * * *

(c) * * *

(8) The item(s) required is for use in a construction contract which was authorized by the Assistant Administrator for Construction to be awarded and administered by the station contracting officer.

(d) [Revoked]

PART 8–7—CONTRACT CLAUSES

3. Section 8–7.150–24 is added to read as follows:

§ 8–7.150–24 Purchase descriptions and "brand name or equal" descriptions.

The following clauses will be included in all invitations for bids or requests for proposals for mechanical equipment utilizing purchase descriptions or "brand name or equal" descriptions.

(a) *Service data manual.* The Contractor agrees to furnish in duplicate a manual, handbook, or brochure containing operating, installation, and maintenance instructions (including pictures or illustrations, as necessary). Where applicable, it will include electrical data and connection diagrams for all utilities. The instructions shall also contain a complete list of all replaceable parts showing part number, name and quantity required.

(b) *Guarantee.* The Contractor guarantees the equipment against defective material, workmanship and performance for a period of,[1] said guarantee to run from date of acceptance of the equipment by the Government. The Contractor agrees to furnish, without cost to the Government, replacement of all parts and material which are found to be defective during the guarantee period. Replacement of material and parts will be furnished to the Government at the point of installation, if installation is within the continental United States, or f.o.b. the continental U.S. port to be designated by the purchasing officer if installation is outside of the continental United States. Cost of installation of replacement material and parts shall be borne by the Contractor.[2]

PART 8–12—LABOR

4. In § 8–12.404–1, paragraph (c) is added to read as follows:

§ 8–12.404 Administration and enforcement.

§ 8–12.404–1 General.

* * * * *

(c) The preconstruction conference or letter will also be used to discuss the information required to be shown on payrolls submitted by the contractor. The model payroll forms developed by the Department of Labor (Forms SOL–184 and 185) will be used as the basis of the discussion, and a copy of each may be furnished the contractor for his information. The form with its continuation sheet may be obtained from the Forms and Publications Depot in the usual manner. Attention is invited to the instructions on the reverse of SOL–184, particularly the instructions concerning: Optional use of the form; gross amount earned; and availability of the form to the contractor from the Government Printing Office. In addition, the discussion will cover the means by which the Government will be assured of compliance with any fringe benefit requirements, e.g., a statement as to method of compliance included on the weekly payrolls.

5. In § 8–12.404–7, that portion of paragraph (a) preceding paragraph (1) is amended, a new paragraph (c) is added and the former paragraph (c) is redesignated (d) so that the amended, added and redesignated material reads as follows:

§ 8–12.404–7 Investigations.

(a) Except for those special investigations referred to in FPR 1–12.404–7 which will be handled in accordance with paragraph (d) of this section, the contracting officer will cause to be conducted such periodic reviews as he may consider necessary to assure contract compliance. These reviews will be conducted by the contracting officer, resident engineer, or engineer officer when acting in that capacity, or their designees. In conducting these reviews, informal interviews will be conducted with a sufficient number of employees of both the prime contractor and subcontractors to:

* * * * *

(c) For convenience in computing underpayments and the number of violations of the Contract Work Hours Standards Act, U.S. Department of Labor Form SOL–164 is provided for use on an optional basis. The form may be obtained as required from the Forms and Publications Depot in the usual manner.

(d) When a routine review, conducted by a representative of the contracting officer, indicates that there is a need for a more thorough investigation, the contracting officer will request that a special investigation be conducted. He will submit his request, together with the material which he believes justifies the investigation, to the Director, Supply Service. The contracting officer will inform the contractor that in accordance with the terms and conditions of his contract funds are being withheld from payments due him to cover possible labor compliance violations and that he (the contractor) will be informed as the facts are developed.

6. Sections 8–12.404–9 and 8–12.404–13 are revised to read as follows:

§ 8–12.404–9 Suspensions and deductions of contract payments.

(a) When funds have been ordered suspended by the contracting officer in accordance with the provisions of FPR 1–12.404–9, the contractor will be so advised. Questions raised by the contractor, as a result of this action, that involve the application and interpretation of the provisions of Subtitle A, Title 29, Code of Federal Regulations, will be referred by the contracting officer to the Director, Supply Service for submission to the Secretary of Labor in accordance with section 5.12, Title 29, Code of Federal Regulations.

(b) When liquidated damages have been assessed by the contracting officer under the labor standards provisions of the contract and the contractor protests either the amount of the damages or the assessment itself, he will be advised of his right to appeal this action to the Administrator. If the protest is made orally to the contracting officer, the contractor will be advised to submit his appeal, in writing, within 60 days after

[1] Normally, insert 1 year. If industry policy covers a shorter or longer period, i.e., 90 days or for the life of the equipment, insert such period.

[2] The above clause will be modified to conform the standards of the industry involved. Where it is industry policy to furnish, but not install, replacement material and parts at the Contractor's expense, the last sentence will be changed to indicate that cost of installation shall be borne by the Government. Where it is industry policy to (i) guarantee components for the life of the equipment (i.e., crystals in transmitters and receivers in radio communications systems) or (ii) require that highly technical equipment be returned to the factory (at Contractor's or Government's expense) for replacement of defective materials or parts, the clause used will be compatible with such policy.

receipt of the contracting officer's decision. Should the protest be in writing, however, the letter of protest will be treated as an appeal. In each instance, the written protest or appeal will be forwarded to the Director, Supply Service for further action. The contractor and contracting officer will be advised as to the final disposition of the appeal and the contract file documented accordingly.

(c) When funds have been suspended and the contractor does not make restitution within a reasonable time, or refuses to take such action, the contracting officer will advise the fiscal officer to dispose of the funds withheld in accordance with chapter 7 of title 4, General Accounting Office Manual.

§ 8–12.404–13 Review of recommendations for an appropriate adjustment in liquidated damages under the Contract Work Hours Standards Act.

The authority of the Administrator to make the determinations and to take the actions provided in FPR 1–12.404–13 is delegated, without power of redelegation, to the Director, Supply Service. He, the Director, Supply Service, is also delegated, without power of redelegation, the authority conferred upon the Administrator by section 104(c), Public Law 87–581, to review administrative determinations of liquidated damages and to issue final orders affirming such determinations.

7. Subpart 8–12.9 is added to read as follows:

Subpart 8–12.9—Service Contract Act of 1965

§ 8–12.905 Administration and enforcement.

§ 8–12.905–2 Register of wage determinations and fringe benefits.

(a) The Director, Supply Service will furnish each Veterans Administration purchasing office copies of Department of Labor registers of wage determinations and fringe benefits which are applicable to its locality.

(b) The registers will be distributed as soon as they are available. If one is not available for a particular service contract or class of employee, purchasing offices will assume one has not been issued.

§ 8–12.905–3 Notice of intention to make a service contract.

(a) Where a register of wage determinations and fringe benefits is not available, purchasing offices will follow the alternate procedure in FPR 1–12.905–3(f) in notifying the Department of Labor.

(b) When the notice required by FPR 1–12.905–3 is furnished to the Wage and Hour and Public Contract Division (WHPC), Department of Labor, less than 30 days prior to the estimated solicitation date, and the required response is not received from WHPC on or before the estimated date, the contracting officer will, by the most expeditious means available, contact that agency to ascertain the status of the response.

(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: July 26, 1968.

By direction of the Administrator.

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

[F.R. Doc. 68–9204; Filed, July 31, 1968; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4506]

[Riverside 07520]

CALIFORNIA

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SAN BERNARDINO MERIDIAN

SAN BERNARDINO NATIONAL FOREST

Snow Summit and Moonridge Winter Sports Areas

T. 2 N., R. 1 E.,
Sec. 26, S½SW¼;
Sec. 27, S½S½;
Sec. 28, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 29, E½;
Sec. 32, N½N½NE¼;
Sec. 33, NE¼NE¼, E½NW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼;
Sec. 34, N½, N½SW¼, N½SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 35, SW¼NE¼, W½, W½SE¼.

Snow Forest Winter Sports Area

T. 2 N., R. 1 E.,
Sec. 30, NW¼NE¼, SW¼NE¼, W½SE¼NE¼, E½NE¼SW¼, NE¼SE¼SW¼, W½NE¼SE¼, NW¼SE¼, N½SW¼SE¼, NW¼SE¼SE¼.

The areas described aggregate 2,340 acres in San Bernardino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 25, 1968.

[F.R. Doc. 68–9193; Filed, July 31, 1968; 8:47 a.m.]

[Public Land Order 4507]

[Los Angeles 0155815]

CALIFORNIA

Withdrawal for National Forest Administrative Sites and Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN

Converse Flat Additions Administrative Site

T. 1 N., R. 1 E.,
Sec. 5, lots 1, 2, 3, and 4, S½N½, SE¼;
Sec. 6, lots 10 and 11, S½SE¼;
Sec. 7, NE¼.

Santa Ana Recreation Area

T. 1 N., R. 1 E.,
Sec. 6, lot 1, SE¼SW¼;
Sec. 7, lots 1, 2, 3, and 4, E½W½, SE¼;
Sec. 8, NE¼E½NW¼, E½NW¼NW¼, S½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, SW¼, S½SE¼;
Sec. 13, W½NE¼, SE¼NE¼, NW¼, S½;
Secs. 14 to 16, inclusive;
Sec. 18, lots 1, 2, 3, and 7, E½, E½W½, E½SW¼SW¼;
Sec. 23, N½, N½S½, SE¼SW¼.
T. 1 N., R. 2 E.,
Sec. 18, lots 3 and 4, E½SW¼.
T. 1 N., R. 1 W.,
Sec. 12, NE¼, N½S½, S½SW¼, SW¼SE¼;
Sec. 13, N½, SW¼, N½SE¼, NW¼NE¼SW¼SE¼, S½NE¼SW¼SE¼, NW¼SW¼SE¼, S½SW¼SE¼, SW¼SE¼SE¼, S½SE¼SE¼SE¼.

Pine Knot Administrative Site

T. 2 N., R. 1 E.,
Sec. 29, NW¼NW¼NW¼.

Deer Lick Station Administrative Site

T. 1 N., R. 2 W.,
Sec. 4, SE¼NE¼.

Running Springs Station Administrative Site

T. 1 N., R. 2 W.,
Sec. 4, SW¼NW¼.

City Creek Administrative Site

T. 1 N., R. 3 W.,
Sec. 22, SW¼SW¼.

North Shore Campground

T. 2 N., R. 3 W.,
Sec. 11, E½SW¼.

Strawberry Flat Addition Administrative Site

T. 2 N., R. 3 W.,
Sec. 19, S½ of lot 2 of NW¼, N½ of lot 2 of SW¼;
Sec. 30, NE¼NE¼.

Arrowhead Campground

T. 2 N., R. 3 W.,
Sec. 30, lot 1.

Cajon Addition Campground and Recreation Area

T. 2 N., R. 5 W.,
Sec. 7, lots 9 and 10;
Sec. 18, lot 3.

Lost Lake Recreation Area

T. 2 N., R. 6 W.,
Sec. 12, SE¼SW¼NW¼, SW¼SE¼NW¼.

Lytle Creek Administrative Site

T. 2 N., R. 6 W.,
Sec. 26, NW¼NE¼, S½NE¼NW¼.

Joe Elliott Tree Memorial Recreation Area

T. 2 N., R. 6 W.,
Sec. 31, W½NE¼, S½NE¼NW¼, SE¼ NW¼.

Stockton Flats Recreation Area

T. 2 N., R. 7 W.,
Sec. 2, lots 3 and 4, S½NW¼;
Sec. 3, lots 1 and 2, S½NE¼.
T. 3 N., R. 7 W.,
Sec. 34, SE¼;
Sec. 35, SW¼.

Coxey Meadow Administrative Site

T. 3 N., R. 2 W.,
Sec. 22, E½SE¼NE¼;
Sec. 23, W½SW¼NW¼.

Oak Glen Administrative Site

T. 2 S., R. 1 E.,
Sec. 5, N½ of lot 3.

Benning Station Administrative Site

T. 2 S., R. 1 E.,
Sec. 30, E½E½NE¼.

Vista Grande Administrative Site

T. 4 S., R. 2 E.,
Sec. 7, S½NE¼NE¼.

Black Mountain Administrative Site

T. 4 S., R. 2 E.,
Sec. 14, SW¼NW¼;
Sec. 15, E½NE¼, SW¼NE¼.

Kenworthy Administrative Site

T. 6 S., R. 3 E.,
Sec. 25, S½NW¼SE¼, SW¼SE¼.

The areas described aggregate 9,350.64 acres in San Bernardino and Riverside Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 25, 1968.

[F.R. Doc. 68-9164; Filed, July 31, 1968; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 39, 3d Rev., Amdt. 4]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Forms of Vessel Utilization and Performance Reports Prescribed

The purpose of the following amendment is to allow an additional time period for the filing of Vessel Utilization and Performance Reports.

Effective July 1, 1968, § 222.2 of this part is hereby amended to read as follows:

§ 222.2 Forms of vessel utilization and performance reports prescribed.

(a) Pursuant to authority of section 212(A) of the Merchant Marine Act, 1936, as amended by Public Law 612, 84th Congress; 70 Stat. 332; 46 U.S.C. 1122a, the Secretary of Commerce has determined that it is necessary and desirable in order to carry out the purposes and provisions of the Merchant Marine Act, 1936, as amended (49 Stat. 1985, et seq.; 46 U.S.C. 1101, et seq.) to require an operator of a vessel in waterborne foreign commerce of the United States to file accurate reports on Form MA–578 with respect to passenger and dry cargo vessels, on Form MA–578A with respect to vessels carrying certain containerized cargo and on Forms MA–7803 and MA–7804 with respect to tankers; such forms and instructions for the preparation thereof are hereby prescribed and approved.[1]

(1) An accurate report on Form MA–578, vessel Utilization and Performance Report, shall be filed in duplicate with the appropriate District Director of Customs for transmittal to the Maritime Administration by the operator of every self-propelled dry cargo and passenger vessel of 1,000 or more gross registered tons before midnight of the 30th calendar day after entry into the first U.S. port and before midnight of the 30th calendar day after clearing the last U.S. port. Operators desiring to submit combination reports for dry cargo and passenger vessels (inbound and outbound portions) after clearing the final U.S. port may do so upon obtaining written permission from the Maritime Administration, Washington, D.C. 20235.

(2) In addition, and subject to the same qualifying and filing requirements set forth above, an accurate report on Form MA–578A, Supplemental Unitized Cargo Container Report, shall be filed by such operator when, on any one voyage, a vessel carries 10 or more (i) 8 x 8 x 10 feet or larger containers, or (ii) half-height containers 8 feet in width and 10 or more feet in length, or (iii) flatbeds 8 feet in width and 20 or more feet in length. Separate reports on Forms MA–7803 and MA–7804 for tankers shall be filed within 30 calendar days after entering or clearing. Forms MA–578, MA–578A, MA–7803, and MA–7804 are required to be filed in duplicate for all voyages of merchant vessels operated by or for the account of the Department of Defense except vessels of the Military Sea Transportation Service (MSTS) nucleus fleet.

(b) By agreement with the Bureau of Customs, District Directors of Customs will be responsible for policing receipt of dry cargo and passenger vessel inbound, outbound, and combination inbound/outbound reports on Form MA–578 and Form MA–578A as well as tanker inbound and outbound reports on Forms MA–7803 and MA–7804.

NOTE: The reporting requirements contained in this section have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: July 29, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-9260; Filed, July 31, 1968; 8:49 a.m.]

[1] Copy each of the Forms MA–578 (1–67), MA–578A (3–21–67), MA–7803, and MA–7804, together with instructions for their use, respectively, are on file in the Office of the Federal Register. These forms and instructions may be obtained from the Marine Section, District Director of Customs at U.S. ports.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

William L. Finley National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special Regulations; big game for individual wildlife refuge areas.

OREGON

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

The public hunting of deer on the William L. Finley National Wildlife Refuge is permitted on lands as posted from August 24 through November 3 and November 9 and 10. Additional information may be obtained at Refuge headquarters approximately 15 miles south of Corvallis, Oreg., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations, subject to the following special condition:

1. All hunters will check in and out of the Refuge daily by use of self-service permits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 10, 1968.

RICHARD S. RODGERS,
Refuge Manager, William L. Finley National Wildlife Refuge, Benton County, Oreg.

JULY 16, 1968.

[F.R. Doc. 68-9169; Filed July 31, 1968; 8:45 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of deer with firearms on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 26, through November 3, 1968, and November 29 through December 1, 1968, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak. 57551, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1968.

JOHN W. ELLIS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak. 57551.

JULY 25, 1968.

[F.R. Doc. 68-9170; Filed, July 31, 1968; 8:46 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 9]

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.

Large quantities of mainland produced refined beet sugar and raw cane sugar will become available for marketing this fall. The Department's Crop Report for July indicates a record sugarbeet crop and a near record sugarcane crop. Despite this prospect, cane sugar refiners and sugar users apparently desire to maintain inventories at a high level throughout the summer. The possibility of a work stoppage among stevedores at the end of September may be a contributing cause. This situation has created an unusual demand for raw cane sugar for arrival in August and September and has placed upward pressure on raw sugar prices. The spot price which was already above the Sugar Act guide price rose an additional five points on July 12 to 7.60 cents per pound.

Accordingly, total sugar requirements for the calendar year 1968 are hereby increased by 100,000 short tons, raw value, to a total of 10,900,000 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 the Domestic Beet Sugar Area for the calendar year 1968 a finding was heretofore made (33 F.R. 9945) that the Domestic Beet Sugar Area was unable to fill its quota then in effect by 100,000 short tons, raw value, and accordingly a quota deficit was determined for the Domestic Beet Sugar Area for 100,000 tons. Due to the fact that the quota for the Domestic Beet Sugar Area is increased herein by 47,667 tons it is herein found that the Domestic Beet Sugar Area will be unable to fill its quota by an additional 47,667 short tons, raw value. Therefore, a total deficit is herein determined in the 1968 quota for the Domestic Beet Sugar Area of 147,667 short tons, raw value. The government of Thailand has informed the Department that it will be unable to supply any sugar to the United States during 1968. Therefore, it is hereby found that Thailand will be unable to fill any of its quota during 1968 and a deficit is herein determined in the quota for Thailand of 17,860 short tons, raw value. Pursuant to section 202(d)(4) of the Act it is hereby determined that on the basis of information available to the Department the failure of Thailand to fill its 1968 quota was because of drought conditions which caused lower sugar production from the 1967 crop than normally expected and that the quota for future years will not be subject to reduction by reason of such shortfall. Pursuant to section 204(b) of the Act and the force majeure finding heretofore made the quota established herein for Thailand has been reduced to zero. On the basis of information available to the Department pertaining to the sugar produced from the current sugar crop in Panama, that country will be able to supply only 37,810 short tons, raw value, of sugar to the United States during 1968. Therefore, it is hereby found that Panama will be unable to fill deficit prorations previously allocated to it of 5,726 short tons, raw value, and will be unable to supply any additional deficit that may be available for proration to it during 1968. Accordingly, a deficit is herein determined in the quota for Panama of 5,726 short tons, raw value.

The additional deficit determined for the Domestic Beet Sugar Area of 47,667 short tons, raw value, and the deficit determined for Panama of 5,726 short tons, raw value, which total 53,393 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect. The deficit in the quota for Thailand of 17,860 short tons, raw value, is prorated to other Eastern Hemisphere countries listed in section 202(c)(3)(B) of the Act which are able to supply additional sugar on the basis of published quotas most recently in effect. None of the deficits are 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.

If the production exceeds the estimate for the Domestic Beet Sugar Area the marketing opportunity for that area will not be limited as a result of the deficit determinations and prorations provided herein.

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 10,900,000 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 (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,263,334	No limit
Mainland cane sugar	1,186,666	No limit
Hawaii	1,191,704	37,278
Puerto Rico	1,140,000	163,500
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1968 the Domestic Beet Sugar Area, Puerto Rico, and the Virgin Islands will be unable by 147,667, 615,000, and 15,000 short tons, raw value, respectively, to fill the quota 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 effect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.62 is amended by adding a new paragraph (a)(4) to read as follows:

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

(a) * * *

(4) Deficits are hereby determined in the quotas established for Panama and Thailand of 5,726 and 17,860 short tons, raw value, respectively. The additional deficit in the Domestic Beet Sugar Area quota, determined in paragraph (a)(2) of § 811.61, of 47,667 short tons, raw value; plus the deficit in the quota for Panama of 5,726 short tons, raw value are herein prorated to Western Hemisphere countries named in section 202(c)(3)(A) of the Act which are able to supply such additional sugar on the basis of published quotas most recently in effect. The deficit in the quota for Thailand of 17,860 short tons, raw value, is herein prorated to countries outside the Western Hemisphere named in section 202(c)(3)(B) of the Act which are able to supply such additional sugar 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 and allocations previously established are shown in column (3). In column (4) the deficit in the quotas for the Domestic Beet Sugar Area, Panama, and Thailand of 47,667, 5,726, and 17,860 short tons, raw value, respectively, are herein prorated pursuant to paragraph (a)(4) of § 811.62.

* * * * *

Countries	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)
			(Short tons, raw value)		
Mexico	229,730	246,544	124,634	10,170	611,078
Dominican Republic	224,678	241,127	205,347	11,574	682,526
Brazil	224,678	241,122	121,895	9,946	597,641
Peru	179,207	192,325	97,226	7,933	476,691
British West Indies	89,752	74,183	43,805	3,536	211,276
Ecuador	32,691	35,083	17,736	1,447	86,957
French West Indies	28,233	23,337	13,781	1,112	66,463
Argentina	27,639	29,662	14,996	1,223	73,520
Costa Rica	26,450	28,385	14,349	1,171	70,355
Nicaragua	26,450	28,385	14,349	1,171	70,355
Colombia	23,775	25,515	12,898	1,052	63,240
Guatemala	22,289	23,922	12,093	987	59,291
Panama	16,643	17,863	9,030	−5,726	37,810
El Salvador	16,346	17,544	8,868	724	43,482
Haiti	12,482	13,395	6,772	553	33,202
Venezuela	11,293	12,118	6,127	500	30,038
British Honduras	6,538	5,404	3,192	258	15,392
Bolivia	2,675	2,869	1,451	118	7,113
Honduras	2,675	2,869	1,451	118	7,113
Australia	106,989	87,853	----------	7,128	201,970
Republic of China	44,579	36,605	----------	2,970	84,154
India	42,796	35,141	----------	2,851	80,788
South Africa	31,503	25,868	----------	2,099	59,470
Fiji Islands	23,478	19,279	----------	1,564	44,321
Thailand	9,807	8,053	----------	−17,860	0
Mauritius	9,807	8,053	----------	653	18,513
Malagasy Republic	5,052	4,149	----------	337	9,538
Swaziland	3,864	3,173	----------	258	7,295
Ireland	5,351	0	----------	0	5,351
Total	1,487,450	1,489,826	730,000	47,667	3,754,943

[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 71,253 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 July 26, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9191; Filed, July 29, 1968; 11:05 a.m.]

[Sugar Reg. 815.9, Amdt. 2]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

1968 Quota

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (hereinafter called the "Act") for the purpose of amending Sugar Regulation 815.9 (33 F.R. 6706), which established allotments of the direct-consumption portion of the 1968 mainland quota for Puerto Rico.

This amendment of S.R. 815.9 is necessary to give effect to the direct-consumption portion of the 1968 mainland quota for Puerto Rico amounting to 163,500 short tons, raw value, as established in Sugar Regulation 811, Amendment 9 (33 F.R. 10934). That quantity is 7,500 tons greater than the 156,000 short tons, raw value, previously allotted.

Findings heretofore made by the Secretary in the course of this proceeding (32 F.R. 21025) provide that this order shall be revised without further notice or hearing for the purpose indicated above and such findings set forth the procedure for the revision of allotments.

Accordingly, allotments are herein established on the basis of and consistent with such findings.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with paragraph (c) of § 815.9 of this chapter, it is hereby ordered that paragraph (a) of § 815.9 be amended to read as follows:

§ 815.9 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1968.

(a) *Allotments.* The direct-consumption portion of the 1968 mainland sugar quota for Puerto Rico, amounting to 163,500 short tons, raw value, is hereby allotted as follows:

Allottee	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	6,790
Central Roig Refining Co	22,644
Central San Francisco	1,385
Puerto Rican American Sugar Refinery, Inc	107,488
Western Sugar Refining Co	25,163
Liquid sugar reserve for persons other than named above	30
Total	163,500

* * * * *

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 205, 207, 209; 61 Stat. 926, 927, 928; 7 U.S.C. 1115, 1117, 1119)

Effective date. Allotments established in this order for all allottees are larger than the allotments previously established. To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment become effective as soon as possible. Accordingly,

It is hereby determined and found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 (80 Stat. 378) is impracticable and contrary to the public interest and, consequently, the amendment made herein shall become effective when published in the FEDERAL REGISTER.

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

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

[F.R. Doc. 68-9192; Filed, July 31, 1968; 8:47 a.m.]

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

[Valencia Orange Reg. 250]

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

Limitation of Handling

§ 908.550 Valencia Orange Regulation 250.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 2, 1968, through August 8, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 31, 1968.

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

[F.R. Doc. 68-9297; Filed, July 31, 1968; 11:48 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of the Hop Administrative Committee and Rate of Assessment for the 1968–69 Marketing Year

Notice was published in the July 17, 1968 issue of the FEDERAL REGISTER (33 F.R. 10211) regarding proposed expenses of the Hop Administrative Committee for the 1968–69 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of the Marketing Order No. 991, as amended (7 CFR Part 991; 33 F.R. 7229), regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and the unanimous recommendations submitted by the Hop Administrative Committee and other available information, it is found that the expenses of the Hop Administrative Committee and rate of assessment for the marketing year beginning August 1, 1968, shall be as follows:

§ 991.303 Expenses of the Hop Administrative Committee and rate of assessment for the 1968–69 marketing year.

(a) *Expenses.* Expenses in the amount of $140,000 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1968, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.25 cent per pound of salable hops.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year begins on August 1, 1968, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

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

Dated: July 29, 1968.

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

[F.R. Doc. 68-9196; Filed, July 31, 1968; 8:47 a.m.]

[Bartlett Pear Reg. 2]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Northwest Fresh Bartlett Pear Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh Bartlett pears, in the manner herein 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 regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, 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 not later than August 2, 1968. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information were submitted to the Departthe Northwest Fresh Bartlett Pear Marketing Committee until July 18, 1968; recommendation as to need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on July 18, 1968, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until July 26, 1968; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; and this regulation should be applicable, insofar as practicable, to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 931.302 Bartlett Pear Regulation 2.

(a) *Order.* During the period August 2, 1968, through June 30, 1969, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph:

(1) *Minimum grade requirement.* Such pears grade at least U.S. No. 2: *Provided,* That pears which fail to meet the requirements with respect to shape specified in the U.S. No. 2 grade only because of frost injury or healed hail marks may be handled if (i) they are not so seriously misshapen as to preclude the cutting of at least one good half and (ii) they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears: *And provided further,* That, in determining whether pears packed in open containers or handled loose meet the aforesaid grade requirements, the tolerances set forth in §§ 51.1265 and 51.1271 and the application of tolerances in § 51.1266 of the U.S. Standards for Summer and Fall Pears (§§ 51.1260–15.1280 of this title) shall apply.

(2) *Minimum size requirements.* Such pears (i) when packed in the standard western pear box, or in the L.A. lug or their carton equivalents, are of a size not smaller than the 165 size: *Provided,* That pears not smaller than the 180 size may be handled if they grade at least the U.S. No. 1 grade, or (ii) when packed in any other container, measure at least 2⅜ inches in diameter: *Provided,* That pears which measure at least 2¼ inches in diameter may be handled if they grade at least the U.S. No. 1 grade: *And provided further,* That pears which measure at least 2⅛ inches may be handled if they are packed in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears.

(3) *Pack requirements.* Such pears are packed in L.A. lugs, in containers containing at least 14 pounds, net weight, but not more than 15 pounds, net weight, of pears, or in containers having a capacity equal to, or greater than, the western lug.

(4) *Special purpose shipments.* Notwithstanding any other provision of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification).

(5) Notwithstanding any other provision of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 931.41 (Assessments), and of § 931.55 (Inspection and certification):

(i) The shipment consists of pears sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(6) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1," "U.S. No. 2," "frost injury," "hail marks," and "size" shall have the same meaning as when used in the U.S. Standards for Summer and Fall Pears (7 CFR 51.1260–51.1280); "165 size" and "180 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said U.S. Standards, 165 or 180 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); the term "L.A. lug" shall mean a container with inside dimensions of 5¾ by 13½ by 16⅛ inches; and the term "western lug" shall mean a container with inside dimensions of 7 by 11½ by 18 inches.

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

Dated: July 31, 1968.

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

[F.R. Doc. 68-9298; Filed, July 31, 1968; 11:48 a.m.]

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

[Milk Order 9, 36, 41, 44]

MILK IN CLARKSBURG, W. VA. AND CERTAIN OTHER MARKETING AREAS

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 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 orders effective not later than August 1, 1968. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the respective marketing areas.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Program, was issued July 10, 1968 and the decision of the Under Secretary containing all amendment provisions of this order, was issued July 24, 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 August 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 each of the respective marketing areas, 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 orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the orders as herein amended;

(The following determination is made with respect to the order amending the orders regulating the handling of milk in the Clarksburg, West Virginia, Eastern Ohio-Western Pennsylvania, and Northwestern Ohio marketing areas.)

(3) The issuance of the order amending the orders 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 specified marketing areas; and

(The following determination is made with respect to the order amending the order regulating the handling of milk in the Michigan Upper Peninsula marketing area.)

(4) The issuance of the order amending the order is favored by at least three-fourths 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 respective 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 further amended, as follows:

PART 1009—MILK IN CLARKSBURG, W. VA., MARKETING AREA

In § 1009.51 the text of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 1009.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.98 and plus 20 cents through April 1969, subject to the adjustment provided in subparagraph (1) of this paragraph: *Provided,* That the Class I price shall be not more than 35 cents in excess of, nor less than 15 cents in excess of the average of the Class I prices for the same month at Wheeling, W. Va., pursuant to Part 1036 (Eastern Ohio-Western Pennsylvania) of this chapter and at Athens-Scioto district plants pursuant to Part 1005 (Tri-State) of this chapter.

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

§ 1036.51 [Amended]

In § 1036.51(a), subparagraph (2) is revoked.

PART 1041—MILK IN NORTHWESTERN OHIO MARKETING AREA

In § 1041.51, paragraph (a) is revised to read as follows:

§ 1041.51 Class prices.

* * * * *

(a) *Class I milk price.* The monthly Class I milk price shall be the basic formula price for the preceding month, plus $1.50, plus 20 cents through April 1969, subject to adjustment for location pursuant to § 1041.53.

* * * * *

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

In § 1044.51, paragraph (a) is revised to read as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price for plants located in Zone 1 shall be the basic formula price for the preceding month plus $0.95, plus 20 cents through April 1969. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

* * * * *

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

Effective date: August 1, 1968.

Signed at Washington, D.C., on July 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9201; Filed, July 31, 1968; 8:47 a.m.]

MILK IN CENTRAL ILLINOIS AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

7 CFR parts	*Marketing areas*
1050	Central Illinois.
1062	St. Louis, Mo.
1068	Minneapolis-St. Paul.
1070	Cedar Rapids-Iowa City.
1076	Eastern South Dakota.
1078	North Central Iowa.
1079	Des Moines, Iowa.

§ ___.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 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. The following findings 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;

(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 August 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 was issued July 10, 1968, and the decision of the Under Secretary containing all amendment provisions of this order was issued July 24, 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 August 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 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 following determination is made with respect to the order amending the orders regulating the handling of milk in the Central Illinois, St. Louis, Mo., Minneapolis-St. Paul, Cedar Rapids-Iowa City, Eastern South Dakota, and Des Moines, Iowa, marketing areas.

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.

(4) The issuance of the order amending the order regulating the handling of milk in the North Central Iowa marketing area is approved or favored by at least three-fourths 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 respective 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 further amended, as follows:

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

Section 1050.51(a) is revised to read as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price applicable at plants at which no location adjustment pursuant to § 1050.53 is applicable, shall through April 1969, be the basic formula price for the preceding month plus $1.19 and plus an additional 20 cents through April 1969; and

* * * * *

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Section 1062.51(a) is revised to read as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.40, and plus 20 cents through April 1969.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

§ 1068.52 [Revoked]

1. Section 1068.52 is revoked.

2. Section 1068.53 is revised to read as follows:

§ 1068.53 Class I price.

Subject to differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I milk each month shall be the basic formula price for the preceding month plus 86 cents, and plus 20 cents through April 1969.

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Section 1070.50(b) is revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Section 1076.51(a) is revised to read as follows:

§ 1076.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.30 and plus 20 cents through April 1969.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

Section 1078.50(b) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price at plants in Zone 1 shall be the basic formula price for the preceding month plus $1.05, and plus 20 cents through April 1969. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

Section 1079.50(b) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 and plus 20 cents through April 1969. For milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

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

Effective date: August 1, 1968.

Signed at Washington, D.C., on July 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9203; Filed, July 31, 1968; 8:48 a.m.]

[Milk Order 63]

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Order Amending Order

§ 1063.0 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), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities-Dubuque marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 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. Amendments No. 1–5 are identical with those set forth in the recommended decision of the Deputy Administrator, Regulatory Programs, issued June 18, 1968, and in the decision of the Under Secretary issued July 11, 1968. Amendment No. 6 is identical with that set forth in the recommended decision of the Deputy Administrator, Regulatory Programs, issued July 10, 1968, and in the decision of the Under Secretary issued July 24, 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 August 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 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 Quad Cities-Dubuque marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1063.7 is revised to read as follows:

§ 1063.7 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 and whose milk is received as producer milk at a pool plant or diverted pursuant to § 1063.14 from a pool plant to a nonpool plant.

2. Section 1063.14 is revised to read as follows:

§ 1063.14 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk received at a pool plant directly from a dairy farmer, except that milk received by diversion from other order plants which is assigned pursuant to § 1063.46 (a)(4)(ii) and the corresponding step of § 1063.46(b). Milk normally received from a dairy farmer at a pool plant which is diverted from such pool plant by the operator of the plant or a cooperative association handler pursuant to § 1063.12 (c) to a nonpool plant that is not an other order plant, or to a nonpool plant that is an other order plant if diverted as Class II milk, shall also be producer milk and shall be deemed to have been received by the diverting handler at the plant from which diverted: *Provided,* That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler.

3. In § 1063.41(b) subparagraphs (6) and (7) are revised to read as follows:

§ 1063.41 Classes of utilization.

* * * * *

(b) * * *

(6) In shrinkage assigned pursuant to § 1063.42(b)(1) of the skim milk and butterfat, respectively, but not in excess of:

(i) 2 percent of producer milk (except producer milk diverted to a nonpool plant pursuant to § 1063.14); plus

(ii) 1.5 percent of milk received in bulk tank lots from other pool plants; plus

(iii) 1.5 percent of milk received in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operators of both plants; plus

(iv) 1.5 percent of milk received in bulk tank lots from an unregulated supply plant exclusive of the quantity for which Class II utilization was requested by the handler; less

(v) 1.5 percent of milk transferred in bulk tank lots to other plants; and

(7) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1063.42(b)(2).

4. Section 1063.42 is revised to read as follows:

§ 1063.42 Shrinkage.

The market administrator shall allocate shrinkage at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively, at each pool plant; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat respectively at such plant contained in:

(1) Net receipts specified in § 1063.41 (b)(6); and

(2) Receipts of other source milk in bulk fluid milk products exclusive of that specified in § 1063.41(b)(6)

5. Section 1063.46(a)(4)(ii) is revised to read as follows:

§ 1063.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(4) * * *

(ii) Receipts of fluid milk products in bulk, including diversions, from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

6. Section 1063.50(b) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.10, and plus 20 cents through April 1969.

* * * * *

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

Effective date: August 1, 1968.

Signed at Washington, D.C., on July 29, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-9202; Filed, July 31, 1968; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1443—OILSEEDS

Subpart—Cottonseed Oil and Meal Purchase Program Regulations (1968)

Correction

In F.R. Doc. 68-8607 appearing on page 10313 in the issue of Friday, July 19, 1968, the following changes should be made:

1. On page 10314 § 1443.63(e)(1) should read: "(1) the quantities of oil or meal which have been or can be produced from eligible cottonseed acquired by the crusher up to the time of the tender, or".

2. On page 10315 in § 1443.64(e), the 27th line should read: "to the expiration of 30 calendar days".

3. In § 1443.64(i) the 4th line should read: "sis and the certified destination".

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

GREAT MEADOWS NATIONAL WILDLIFE REFUGE, MASS.

Fishing

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 33.4 by the addition of the Great Meadows National Wildlife Refuge, Mass., to the list of areas open to sport fishing.

It has been determined that sport fishing may be permitted as designated on Great Meadows 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 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

MASSACHUSETTS

Great Meadows National Wildlife Refuge.

* * * * *

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

JULY 26, 1968.

[F.R. Doc. 68-9171; Filed, July 31, 1968; 8:46 a.m.]

National Park Service

[36 CFR Part 7]

GRAND TETON NATIONAL PARK, WYO.

Technical Mountain Climbing

Notice is hereby given that pursuant to the authority contained in the act of September 14, 1950 (64 Stat. 849), section 3 of the act of August 25, 1916 (39 Stat. 535), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Midwest Region Order No. 4 (31 F.R. 5769), as amended, it is proposed to amend § 7.22 of Title 36 of the Code of Federal Regulations by adding a new paragraph (e) which is set forth in its entirety below.

This new paragraph sets forth the requirements which are applicable to technical mountain climbing within Grand Teton National Park. The purpose of these requirements is to insure that the climbers are adequately prepared for these climbs and are cognizant of the hazards which exist on the mountains. The regulation sets forth the criteria which will be applied by the Superintendent and his representatives in deciding whether or not a permit may be issued for a particular climb or climbers.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit comments, suggestions, or objections to the Superintendent, Grand Teton National Park, Moose, Wyo. 83012, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.22 is amended by adding a new paragraph (e), as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(e) *Technical Mountain Climbing*—(1) *General provisions.* No person shall undertake any mountain climbing which requires the use of technical climbing aids, including, but not limited to, ropes, pitons, carabiners, crampons, unless a permit has first been issued by the Superintendent. In determining whether to issue a permit the Superintendent will consider the difficulty of the route of climb, the weather and snow conditions, the physical condition and prior experience of the climbers, whether the group is equipped with mountaineering equipment and clothing necessary to make a safe ascent and return and protect the climbers against probable weather conditions, and such other safety factors as the Superintendent deems appropriate. All mountain climbing shall be subject to the following requirements:

(i) Each climber shall sign out immediately prior to each climb.

(ii) Each climber shall sign in immediately upon return from a climb.

(iii) Solo climbing is prohibited.

(iv) Persons under 18 years of age must have the written permission of their parent or guardian before making a climb.

(v) All climbing parties shall carry adequate first aid equipment and emergency food supplies.

(2) *Winter climbing.* The Superintendent may, by posting appropriate signs or official notices, establish on the basis of weather and snow conditions a winter climbing season. All mountain climbing during the winter climbing season shall be subject to the following requirements, in addition to those described in this paragraph:

(i) Applications for permits must be submitted in writing to the Superintendent at least 30 days in advance of the scheduled climbing date to allow time to check experience and qualifications of the members of the party.

(ii) Mountain climbing parties must consist of a minimum of nine persons, of which a minimum of six persons shall be the support party. In climbing groups consisting of more than nine persons a 2 to 1 ratio must be maintained between the number of persons in the support party and the ascent party.

(iii) No permit shall be issued unless the party is adequately experienced in winter mountaineering.

(iv) The mountain climbing group must have communications equipment sufficient to assure two-way communications between the park headquarters, the base camp of the support party, and the assault party.

(v) Permits may be revoked if weather and snow conditions existing at the time of the party's arrival in the park are so severe that the ascent and return would be unduly hazardous.

HOWARD H. CHAPMAN,
Superintendent, Grand Teton National Park.

[F.R. Doc. 68-9174; Filed, July 31, 1968; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 980]

ONIONS

Notice of Proposed Import Regulation

Notice is hereby given of proposed grade, size, quality, maturity and inspection requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oreg.

All persons who desire to submit written data, views, or arguments in connection with these proposals shall 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 10th 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 the regular business hours (7 CFR 1.27(b)).

§ 980.107 **Onion import regulation.**

Except as otherwise provided, during the period August 19, 1968, through June 15, 1969, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1 inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated at governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e–1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 111, 222 McClendon Bldg., 305 East Jackson St., Harlingen, Tex. 78550 (Phone 512—Garfield 3-5644-1240).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone 602—Atwater 7-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941-3071 Ext. 146).	1 day.
New York City.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7669-7668).	Do.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6741-6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-Dudley and 8-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among others things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types), §§ 51.2830–51.2854 of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 2 grade shall be deemed to comply with the requirements of U.S. No. 2 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: July 29, 1968.

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

[F.R. Doc. 68-9175; Filed, July 31, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 68-CE-10-AD]

AIRWORTHINESS DIRECTIVES

Beech Model 18 Series Airplanes; Advance Notice

Correction

In F.R. Doc. 68-7970 appearing at page 9712 in the issue of Thursday, July 4, 1968, the following correction should be made: The fourth line of the third column should be deleted and "of a history of fatigue cracking and/or" be substituted therefor.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91, 93]

[Docket No. 18261; FCC 68-743]

GEOGRAPHIC REALLOCATION OF CERTAIN UHF TV CHANNELS TO LAND MOBILE RADIO SERVICES

Notice of Proposed Rule Making

In the matters of amendment of Parts 2, 89, 91, and 93; geographic reallocation UHF TV Channels 14 through 20 to the land mobile radio services for use within the 25 largest urbanized areas of the United States, Docket No. 18261; petition filed by the Telecommunications Committee of the National Association of Manufacturers to permit use of TV Channels 14 and 15 by land mobile stations in the Los Angeles Area, RM-566.

1. In a public notice released April 14, 1967, the Commission announced the beginning of an intensified study of the feasibility of meeting the needs of the land mobile services within the spectrum space now assigned to UHF television broadcasting. The objective was to provide needed spectrum space to allow for continued growth of these important radio services with a minimum of impact on our nationwide television service.

2. On May 3, 1967, the Commission announced the formation of a Land Mobile Relief Committee composed of Bureau Chiefs and Staff officers under the Chairmanship of the Chief Engineer to:

a. Study the impact presented by the outright reallocation of from four to seven low UHF television channels.

b. Study the feasibility of land mobile station use of UHF channels on a geographic basis.

c. Identify and evaluate problems and overall costs associated with outright reallocation of the frequency band 806–960 Mc/s (includes UHF TV Channels 70 through 83) in whole or in part to the land mobile service, commensurate with their projected requirements to the year 1980.

Each of these projects was assigned to a group of staff officials for study. The report of the Land Mobile Frequency Relief Committee was released on March 20, 1968, and contains the reports of each of the working groups.

3. Consideration of the possibility of reallocating a number of channels at the lower end of the UHF television band involved a study of the area lying between Boston and Chicago and extending southward to Washington, D.C. This area was chosen because it is heavily populated and it was believed that the results would be representative of the potential for the entire United States with the possible exception of the areas around Los Angeles and San Francisco, Calif. The results of this study indicated that replacement channels could be found for all displaced stations. However, a number of community assignments could not be replaced, and a number of displaced stations would be located above Channel 69. The report of the working group considering the possibility of reallocating four to seven UHF TV channels at the low end states:

> Reallocation of even as few as four channels (Channels 14, 15, 16, and 17) or 24 Mc/s of space would dislocate some 25 assignments within the test area which now have stations actually in operation, outstanding construction permits, or for which applications are pending.[2] These stations (and proposed stations) would, if required to vacate these four channels, have to be reassigned to various channels interspersed throughout the remaining UHF television band (Channels 18 to 83 inclusive) with assignments for 13 of them below Channel 40 and the other 12 above Channel 40. The dollar cost of relocating these stations would vary considerably from case-to-case with about $100,000 (in those instances where construction of the station has been completed) as a minimum. If seven channels instead of four are to be reallocated, the figure of 25 stations (and pending applications) affected in the test area increases to 44 with their reassignments distributed in about the same manner throughout the band above Channel 20. With respect to the stations in operation, an additional cost factor is involved in maintaining operation during the transition period and in the requirements that will be imposed on the public for readjusted sets and antennas.

4. The report of the working group that considered the possibility of land mobile use of the lower 37 UHF TV channels on a geographic basis indicates a number of possibilities for land mobile relief. The amount of relief would, however, be dependent upon the number of channels made available and the amount of protection that would be provided to TV reception. Three plans were considered:

> *Plan 1.* "Equivalent Protection Method." Potential land mobile channels are based upon permitting the land mobile service to cause TV interference to the same extent that the existing TV allocation standards permit mutual interference between TV stations.
>
> *Plan 2.* "Grade B Contour Protection Method." TV receiver antenna directivity is assumed for cochannels. Potential land mobile channels are based upon protecting the Grade B TV contours for a 35 db desired to undesired signal strength ratio, TV receiver antennas are assumed to have a 15 db rejection of land mobile signals for reception of desired cochannel TV stations.
>
> *Plan 3.* "Grade B Contour Protection Method." TV receiver antennas are considered to have no directivity. Potential land mobile channels are based upon protecting the Grade B TV contours for a 50 db desired to undesired signal strength ratio.

All three plans indicate potential for land mobile relief in many areas (Chicago is a difficult problem under all three).

5. The working group considering the feasibility of reallocation of the upper 14 UHF TV channels indicated their belief that all or any portion of the band 806–890 Mc/s could be reallocated immediately with relatively little cost to broadcast interests. There was agreement within the Staff Committee however, that these higher frequencies could not be looked on as an acceptable answer to an immediate requirement for additional frequency space. Unavailability of equipment, propagation vagaries and other considerations label possibilities for effective use of this part of the spectrum by the land mobile services largely speculative and in any event strictly a long range possibility outside the time frame within which relief is being sought.

6. Among the three alternatives, the possibility that land mobile users could utilize some of the lower UHF TV channels in the 20–25 largest urban areas on a geographic allocation basis with appropriate protection to insure a minimum of impact on television reception appears to offer the best prospect for immediate relief for land mobile users. Existing equipment designs could be modified to permit use of the lowest UHF TV channels within about 6 months and new or redesigned equipment could be expected for the remaining channels within about 1 to 2 years. This would provide early frequency relief permitting the land mobile services to expand on an orderly basis and allow time for fuller consideration of the other possibilities considered by the Land Mobile Frequency Relief Committee.

7. Thus, the Commission is now proposing to reallocate on a geographic basis certain of the lowest seven UHF TV channels (14 through 20) to the land mobile radio services for use within the 25 largest urbanized areas of the country.[1] In each instance the channels would be chosen and their usage restricted so as to be compatible with the current TV assignment table and such TV stations as may be authorized pursuant to the table.[2] Proposed rules and assignment standards to govern land mobile use of these seven channels are set forth in the attached appendix. The limits of permissible use—i.e., service area, maximum power and maximum antenna height and the specific TV channels available in each can be determined from the tables contained in the proposed rules. While three possible plans for geographic sharing were reviewed and considered by the Land Mobile Relief Committee and the method designated as "Plan 3" is the basis of the proposed reallocation and assignment standards proposed for adoption, adjustments and changes can be expected based on engineering data filed in this proceeding.

8. As part of the process of providing for the allocation and use of the band 470 MHz to 512 MHz, the engineering criteria which will provide the required degree of protection to television stations authorized pursuant to the assignment table (section 73.606) must be determined. The current UHF TV assignment plan is based, among other things, upon certain engineering assignment standards or "taboos" developed in a series of rule making proceedings. These standards establish the various mileage separations between cochannel and adjacent channel assignments, as well as those assignments which produce images at the sound and picture frequencies, intermediate frequency (IF) beats, intermodulation, and also allow for rather high levels of receiver local oscillator radiation. The separations (taboos) which are mandatory for TV stations could also be used in establishing land mobile assignment standards in the UHF TV bands, but in view of the substantially lower power output levels of land mobile stations and the much narrower bandwidth utilized, appreciably less interference is to be expected from a land mobile assignment operating at the

[2] See report for exact description of test area. Roughly the populous area lying between Chicago and Boston to the north and extending southward to the latitude of Washington, D.C. Essentially, all of Pennsylvania, Ohio, Maryland, New Jersey, Delaware, Rhode Island, New Hampshire, Vermont, Indiana, New York, Massachusetts, and substantial portions of Illinois, Michigan, Virginia, and Kentucky.

[1] As defined in the U.S. Census of Population 1960, Volume 1, page 50.

[2] Section 73.606 of the Commission's rules.

separation required for a TV station with maximum power and antenna height than would be caused by the TV station. This suggests the feasibility of maintaining full protection to TV stations with less restrictive mileage separation for the lower power land mobile stations and we are proposing an appropriate lower figure. Also, a number of the "taboos" stem from TV station to TV station interference capabilities and related receiver characteristics which are not pertinent with respect to land mobile to TV station interference potentialities. If only the lower seven UHF–TV channels are considered, then the principal problem is that involved in determining cochannel and adjacent channel desired to undesired signal ratios as discussed below. Oscillator, image and intermodulation taboos may not be required.

Cochannel. Available data concerning the susceptibility of television receivers to interference from the type of signals produced by land mobile operations within a TV channel indicate that a ratio of 45–55 db desired to undesired signal strength ratio is required if interference to TV reception is to be maintained below objectionable levels. The susceptibility of TV receivers to cochannel interference is not constant across the TV channel however, and the two most susceptible areas are those in the proximity of the color subcarrier and the picture carrier. (See FCC Tech. Report R–6306, Figure 1A.)[3] In view of the above, we are proposing to adopt as an assignment standard a −50 db desired TV to land mobile signal strength ratio, and the signal ratios will be computed based on the TV signal at the Grade B contours (64 dbu). Land mobile transmitters would be limited to a maximum signal at the TV Grade B contour 50 db below 64 dbu or 14 dbu [64 dBu−50 dB=14 dbu].

Adjacent channel. Available data indicates that typical TV receivers are capable of rejecting an adjacent channel TV station when the desired TV station is no more than 20 db below the undesired TV station. Further, the UHF assignment plan provides for adjacent channel separation of 55 miles based on an assumed receiver adjacent channel rejection ratio of −6 db. (Since receiver adjacent channel selectivity is primarily IF selectivity with the receiver front end contributing little to the adjacent channel rejection figure, UHF receivers should not be appreciably worse in this regard than are VHF receivers.) However, as a further safeguard, we propose to limit the ratio of land mobile to adjacent channel TV signal strengths to 0 db. Land mobile transmitters would be limited to a maximum signal at the TV Grade B contour that equals but does not exceed the Grade B signal of 64 dbu.

Other taboos. We have disregarded all remaining taboos. This treatment is based upon the belief that the relatively low power of stations in the land mobile service will cause little intermodulation or IF beat problems. Receivers used by the land mobile service are designed to have very low oscillator radiation and this should not be a problem. Confining this geographical land mobile usage to the lowest seven UHF TV channels eliminates the usual sound and picture image problems. Comments are invited concerning any problems that may be generated, particularly those from land mobile stations separated by 7 or 8 channels. One further consideration appears worthy of special comment. The "taboos" considered in our studies of land mobile use of TV channels have not taken into account the fact that a multiplicity of transmitters may be operating on any given channel. We have conducted some initial laboratory experimentation on this matter to determine what the nature of this problem may be. Our initial experiments in this regard were conducted by "translating" the entire 150–162 MHz spectrum to a UHF TV channel and arranging the equipment so that the land mobile operation in the Washington-Baltimore complex in the 150 MHz band could be made to purposely cause interference to a UHF TV color receiver tuned to local UHF TV stations. Our initial observations indicate that a multiplicity of land mobile service transmitters add very little, if any, to TV interference caused by the strongest signals appearing in the 150 MHz band (translated to UHF). These observations have been made through the use of a television receiver, panoramic receiver, separate antennas and attenuators arranged to permit observations of interference under various signal level combinations.

9. The TV station Grade B contour used to determine land mobile use will be based on an assumed TV power of 1 megawatt effective radiated power (ERP) at 1,000 feet (antenna height above average terrain-AAT) for stations in Zone I and 1 megawatt ERP at 2,000 feet (AAT) for stations in Zones II and III. The distance to the Grade B contour (64 dbu) of the TV station is determined from the F(50, 50) curves in FCC Research Division Report No. R–6602 and is 43 miles for Zone I and 55 miles for Zones II and III.[4] The F(50, 50) curves indicate the estimated field strengths exceeded at 50 percent of the potential receiver locations for at least 50 percent of the time at a receiving height of 30 feet.

10. The required minimum distance between a proposed land mobile station and the Grade B contour of a TV facility or assignment may be determined by using the table in the appendix. The table has been developed by use of the F(50, 10) curves in Report No. R–6602 [F(50, 50) curves where the distance is less than 10 miles] which indicate the estimated field strengths exceeded at 50 percent of the potential receiver locations for at least 10 percent of the time. The cochannel land mobile field must be at least 50 db below the established Grade B contour of the TV station which is that point where the field is 64 db above 1 uv/m or 64 dbu. That combination of land mobile effective radiated power and antenna height above average terrain that permits this ratio to be satisfied can be authorized at that point. The same procedure is used for checking the adjacent channel feasibility; however, the land mobile field may be equal to or less than the TV field at the Grade B contour. In using the table it must be emphasized that both the cochannel and adjacent channel desired to undesired TV/land mobile field strength ratios must be met or bettered if the land mobile use is to be permitted.

11. The assignment criteria proposed and the method of predicting or determining areas where land mobile stations can share UHF TV channels are intended to be assignment tools only and while they can give a fairly good picture of the potential interference to TV reception by land mobile use, individual situations may be uncovered where the potential is decreased due to special or unusual geographic conditions or where lesser separations could be permitted for the same reasons. We do not at this time propose to provide for lesser separations on the basis of terrain. However, we are not closing the door to consideration of this and other factors that may be developed on the basis of data developed in comments in this proceeding.

12. The propagation curves described in Research Division Report R6602[5] have been used to determine both the UHF TV Grade B contour and the land mobile distance to the 14 dbu contour. While the results here are somewhat different from predictions that are based on the low VHF channel charts contained in Part 73, the UHF propagation curves are based on the latest available data and it is believed that they provide a better basis for establishing station separations than would charts intended primarily for the VHF frequency band 54–88 Mc/s.

13. We have pending a petition filed by the NAM Communications Committee (now Telecommunications Committee), RM 566, filed on February 3, 1964, which seeks adoption of rules which would permit land mobile to share the lowest two UHF TV channels in the Los Angeles area. To the extent that the proposals contained in this petition are compatible with the proposals contained herein, the petition will be granted and in all other respects denied.

14. The criteria for making land mobile assignments also includes power and antenna height limitations and will require that persons desiring to use frequencies located within these bands determine the height of their antennas above average terrain and compute the effective radiated power (ERP) by determining transmitter output power, transmission line loss and gain or loss of the antenna. Specific frequencies are not set forth in the proposed rules, and

[3] See Volume 5 of the Documents of the Xth Plenary Assembly of the CCIR (Oslo 1966), Sound Broadcasting and Television.

[4] Section 73.609 of the Commission's rules.

[5] At the time the Channel 2–6 charts were adopted for UHF TV use, the Commission pointed out that these curves were not based on measured data at distances beyond about 30 miles.

suballocation to various radio services is not proposed.

15. Frequency channels will be available on a 25 kc/s basis, and the first assignable frequency will be 37.5 kc/s from the upper band edge with alternate channels being assigned first. Frequency separation or pairing will not be uniform throughout the United States and is indicated in the table specifying channel availability in the various urbanized areas.

16. It should be noted that this proceeding is not now otherwise concerned with the suballocation or frequency assignment structure, priority system, etc., under which the various land mobile services may be given access to the additional spectrum space contemplated herein. Possibilities for extensive changes and departures from the allocation and frequency assignment procedures now in effect are under consideration in a number of areas. The study which the Commission has contracted with the Stanford Research Institute is directly concerned with possibilities for improving allocation and assignment procedures. The President's Task Force on Communications Policy has examined the problem in depth and will undoubtedly make suggestions for changes. The Joint Technical Advisory Committee (Institute of Electrical and Electronic Engineers, Inc., and Electronic Industries Association) have just completed a lengthy study and comprehensive report on Spectrum Engineering and suggestions for changes are treated in considerable detail. Eventual provisions for utilization of the additional spectrum space by the various land mobile services will be made with careful and due regard for these and other pertinent studies, deficiencies in present procedures, and the need for improved and more efficient ones. This may be accomplished at an appropriate time, through either a separate proceeding or through enlargement of this one.

17. Authority for the proposed amendment to the appropriate rules is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

18. Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein may file with the Commission on or before December 2, 1968, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed on or before January 31, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

19. In accordance with § 1.419 of the Commission's rules, an original and 14 copies of all statements, views, or comments filed shall be furnished the Commission.

Adopted: July 17, 1968.

Released: July 26, 1968.

FEDERAL COMMUNICATIONS COMMISSION [6]

[SEAL] BEN F. WAPLE, *Secretary.*

The following amendments to Parts 2 and 89 of the Commission's rules are proposed. Rules identical in substance to those proposed for Part 89 will be included in Parts 91 and 93 of the rules.

I. Part 2 of the Commission's rules is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the Table of Frequency Allocations, the frequency band 470–890 Mc/s is amended as set forth below, and a new footnote NG__ is added.

Federal Communications Commission

Band (Mc/s)	Service	Class of station	Frequency	Nature of services (of station)
7	8	9	10	11
470–512	BROADCASTING. LAND MOBILE.	Television broadcasting. Land Mobile.	NG__	BROADCAST. PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
512–890	BROADCASTING.	Television broadcasting.		

NG__ The frequency band 470–512 Mc/s is allocated to the Public Safety, Industrial and Land Transportation Radio Services in the 25 largest urbanized areas of the United States, as defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, in accordance with the following table and subject to the standards and conditions set forth in Parts 89, 91, and 93 of this chapter.

Urbanized area	*TV Channels*
New York-Northeastern New Jersey.	14, 15, 16, 17.
Los Angeles	14, 15, 16, 20.
Chicago-Northwestern Indiana.	16, 17, 18.
Philadelphia, Pa.-New Jersey.	14, 15, 19, 20.
Detroit, Mich	15, 16, 17, 18.
San Francisco-Oakland, Calif.	17, 18.
Boston, Mass	18, 19, 20.
Washington, D.C.-Maryland-Virginia.	16, 17, 18.
Pittsburgh, Pa	18, 19, 20.
Cleveland, Ohio	14, 15, 16.
St. Louis, Mo.-Illinois	14, 15, 16, 20.
Baltimore, Md	16, 17, 18.
Minneapolis-St. Paul, Minn.	14, 15, 20.
Milwaukee, Wis	14, 15, 16, 20.
Houston, Tex	18.
Buffalo, N.Y	14, 15, 16, 20.
Cincinnati, Ohio-Kentucky	17.
Dallas, Tex	14 thru 19.
Kansas City, Mo.-Kansas	14, 18.
Seattle, Wash	14, 18.
Miami, Fla	19, 20.
New Orleans, La	14 thru 18.
San Diego, Calif	17, 18, 19.
Denver, Colo	16, 17, 18.
Atlanta, Ga	19, 20.

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

1. Section 89.3(c) is amended by adding the following definitions in the appropriate alphabetical order:

§ 89.3 Definitions.

* * * * *

(c) * * *

Antenna Height Above Average Terrain (AAT). The average of the antenna heights above the terrain from 2 to 10 miles from the antenna for eight directions spaced evenly for 45° of azimuth starting with True north. In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above average terrain.

Antenna Power Gain. The square of the ratio of the root-mean-square free space field intensity produced at 1 mile in the horizontal plane, in millivolts per meter for 1 kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

Effective Radiated Power. The product of the antenna input power and the antenna power gain. This product should be expressed in watts. (If specified in a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

* * * * *

2. Add a new § 89.102 as follows:

§ 89.102 Availability of frequencies in the band 470–512 Mc/s.

Frequencies in the band 470–512 Mc/s are available for assignment within the 25 largest urbanized areas of the United States as specified in paragraphs (a) through (f) of this section. Frequencies within this band will be assigned subject to the rules of this part and under the conditions and limitations contained in this section.

(a) Stations may be authorized only that combination of effective radiated power and antenna height above average terrain (both are defined in § 89.3) so as to produce a maximum radiated field that is at least 50 db below 64 dbu at the Grade B contour of the nearest co-channel television broadcast station or community assignment and that does not exceed 64 dbu at the Grade B contour of the nearest adjacent channel

[6] Commissioner Lee's dissenting statement and Commissioner Cox's concurring statement filed as part of the original document.

television broadcast station or community assignment.

(b) The Grade B contour of television broadcast stations within the frequency band 470–512 Mc/s (64 dbu contour) is established at 43 miles for Zone 1 and 55 miles for all other zones (see § 73.609 of this chapter) and is measured from the location of the television station or, where no station is authorized, from the community assignment in accordance with § 73.606 of this chapter.

(c) A television broadcast station or community assignment is cochannel if the frequency of a land mobile station falls within the television channel and is adjacent when the frequency of a land mobile station falls within the immediately adjacent television channel. The frequencies encompassed by each of the numerical television designators are set forth in § 73.603 of this chapter.

(d) The maximum permissible effective radiated power and antenna height above average terrain for a station authorized under this section may be determined from the table below:

TABLE OF LAND MOBILE/UHF TV SEPARATIONS VS. POWER/ANTENNA HEIGHT

ZONE I	LM Power (ERP) (in watts)	400	200	100	50	25	100	50	20	10	5	100	5
	LM Antenna height (AAT) (in feet)	200	200	200	200	200	50	50	50	50	50	6	6
	Cochannel (in mi.)	127	117	107	97	89	84	77	70	66	61	56	51
	Adjacent channel (in mi.)	49	48	47	47	46	45	45	44	44	44	44	44
ZONE II and III	Cochannel (in mi.)	139	129	119	109	101	96	89	82	78	73	68	63
	Adjacent channel (in mi.)	61	60	59	58	58	57	57	56	56	56	56	56

The distance between a land mobile base station or land mobile operating area and the nearest cochannel or adjacent channel UHF TV station must equal or exceed the distances indicated in the table.

(e) Land mobile frequencies will be assigned on a 25 kc/s channel basis commencing 37.5 kc/s from the high end of each television channel, with alternate channels assigned first. Frequency bands available in specific areas are as indicated below:

Urbanized area	Frequency (Mc/s)	Power (ERP)	Antenna (AAT)	Zone	Class of stations	Limitations
New York-Northeastern New Jersey	470–476	400	200	1	Base	(1)
	476–482	400	200		Base	(1)
	482–488	50	200		Mobile	(1)
	488–494	50	50		Mobile	(1)
Los Angeles-Long Beach, Calif	470–476	20	50	2	Mobile	(1)
	476–482	100	200		Base	(1)
	482–488	5	6		Mobile	(1)
	506–512	25	200		Base	(1)
Chicago-Northwestern Indiana	482–488	20	50	1	Mobile	(1)
	488–494	50	50		Base	(1)
	494–500	50	50		Base-Mobile	(2)
Philadelphia, Pa.-New Jersey	470–476	200	200	1	Base	(1)
	476–482	20	50		Mobile	(1)
	500–506	5	6		Mobile	(1)
	506–512	200	200		Base	(1)
Detroit, Mich	476–482	20	50	1	Mobile	(1)
	482–488	400	200		Base	(1)
	488–494	400	200		Base	(1)
	494–500	50	50		Mobile	(1)
San Francisco-Oakland, Calif	488–494	100	200	2	Mobile	(1)
	494–500	400	200		Base	(1)
Boston, Mass	494–500	50	200	1	Mobile	(1)
	500–506	100	200		Base	(1)
	506–512	100	200		Base-Mobile	(2)
Washington, D.C.-Maryland-Virginia	482–488	100	50	1	Mobile	(1)
	488–494	400	200		Base	(1)
	494–500	400	200		Base-Mobile	(2)
Pittsburgh, Pa	494–500	100	200	1	Base-Mobile	(2)
	500–506	5	6		Mobile	(1)
	506–512	400	200		Base	(1)
Cleveland, Ohio	470–476	10	50	1	Mobile	(1)
	476–482	5	6		Mobile	
	482–488	100	200		Base	(1)
St. Louis, Mo.-Illinois	470–476	10	50	1	Mobile	(1)
	476–482	100	200		Base	(1)
	482–488	50	200		Base	(1)
	506–512	50	50		Mobile	(1)
Baltimore, Md	482–488	50	50	1	Mobile	(1)
	488–494	25	200		Base-Mobile	(2)
	494–500	100	200		Base	(1)
Minneapolis-St. Paul, Minn	470–476	20	50	2	Mobile	(1)
	476–482	50	50		Base-Mobile	(2)
	506–512	100	50		Base	(1)
Milwaukee, Wis	470–476	50	200	1	Base	(1)
	476–482	50	50		Base	(1)
	482–488	20	50		Mobile	(1)
	506–512	50	50		Mobile	(1)
Houston, Tex	494–500	200	200	2	Base-Mobile	(2)
Buffalo, N.Y	470–476	100	200	1	Mobile	(1)
	476–482	200	200		Base	(1)
	500–506	5	6		Mobile	(1)
	506–512	400	200		Base	(1)
	506–512	400	200		Base	(1)
Cincinnati, Ohio-Kentucky	488–494	20	50	1	Base-Mobile	(2)
Dallas, Tex	470–476	50	50	2	Mobile	(1)
	476–482	50	200		Mobile	(1)
	482–488	100	200		Base	(1)
	488–494	100	50		Mobile	(1)
	494–500	100	200		Base	(1)
	500–506	100	200		Base	(1)
Kansas City, Mo.-Kans	470–476	400	200	2	Base-Mobile	(2)
Seattle, Wash	470–476	50	200	2	Base	(1)
	494–500	50	50		Mobile	(1)
Miami, Fla	500–506	400	200	3	Base	(1)
	506–512	50	200		Mobile	(1)
New Orleans, La	470–476	5	6	3	Mobile	(1)
	476–482	50	200		Base-Mobile	(2)
	482–488	400	200		Base	(1)
	488–494	50	200		Mobile	(1)
	494–500	200	200		Base	(1)
San Diego, Calif	488–494	5	6	2	Mobile	
	494–500	25	200		Base	(1)
	500–506	20	50		Mobile	(1)
Denver, Colo	482–488	400	200	2	Base	(1)
	488–494	100	50		Mobile	(1)
	494–500	50	200		Base-Mobile	(2)
Atlanta, Ga	500–506	400	200	2	Base	(1)
	506–512	100	200		Mobile	(1)

[1] Pair, uniform base-mobile separation in any area.
[2] Lower ½ for base; upper ½ for mobile.

(f) In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for eight radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45° of azimuth starting with True north. At least one radial should be constructed in the direction of the nearest cochannel and adjacent channel UHF television stations. The profile graph for each radial shall be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. For very rugged terrain 200 to 400 feet contour intervals may be used. Where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map may be used. The average elevation of the 8-mile distance between 2 and 10 miles from the antenna site should be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded by 50 percent of the distance) in sectors and averaging those values. In the preparation of the profile graphs the elevation or contour intervals shall be taken from U.S. Geological Survey Topographic Quadrangle Maps, U.S. Army Corps of Engineers maps, or Tennessee Valley Authority Maps, whichever is the latest. If such maps are not published for the area in question, the next

best topographic information should be used.

3. The table in § 89.103(a) is amended to read as follows:

§ 89.103 Frequency stability.

(a) * * *

Frequency Range	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
Mc/s	*Percent*	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1] .0005	.0005	.005
450 to 950	[2] .00025	.0005	[2] .0005
Above 950	[2]	[2]	[2]

* * * * *

4. Amend the table in § 89.107(b)(2) to read as follows:

§ 89.107 Emission limitations.

* * * * *

(b) * * *

(2) * * *

Frequency band (Mc/s)	Authorized bandwidth (kc/s)	Frequency deviation (kc/s)
25 to 50	20	5
50 to 950	[1] [2] 20	[1] 5

* * * * *

[F.R. Doc. 68-9070; Filed, July 31, 1968; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 418]

LENGTH OF EXTENSION LADDERS

Deceptive Advertising and Labeling

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., has initiated a proceeding for the promulgation of a Trade Regulation Rule regarding the failure of manufacturers and other marketers of extension ladders to clearly and conspicuously disclose in advertising and labeling, the length of these ladders in an undeceiving manner.

The Commission has initiated this proceeding, having reason to believe that:

(1) Manufacturers and other marketers engaged in the sale of extension ladders in commerce, as "commerce" is defined in the Federal Trade Commission Act, have represented the sizes or lengths of their products by stating the total combined lengths of the component sections thereof, e.g., a 20-foot ladder would consist of two 10-foot long sections;

(2) For strength and safety purposes, there must be an overlapping of the sections of an extension ladder, and when fully extended and placed in position for use, footage is lost in such overlapping;

(3) The length of an extension ladder, when fully extended and positioned for use, is invariably less than the combined lengths of the component parts;

(4) Such manufacturers and other marketers do not disclose the length of their products when positioned for use;

(5) This practice has the capacity and tendency (a) to mislead and deceive purchasers into believing that the represented size is the maximum usable length of the ladder whereas the maximum usable length is in fact substantially smaller, and (b) to divert business from competitors who clearly disclose length minus overlapping; and that therefore,

(6) This practice constitutes an unfair method of competition in commerce and and unfair and deceptive act or practice in commerce, in violation of section 5 of the Federal Trade Commission Act.

Accordingly, the Commission now proposes the following Trade Regulation Rule:

§ 418.1 The Rule.

In connection with the sale or offering for sale of extension ladders in commerce, as "commerce" is defined in the Federal Trade Commission Act, any representation as to length, in advertising, labeling, marking, or otherwise, which exceeds the maximum safe useable length of such ladders when extended and placed into position for use, constitutes an unfair method of competition and an unfair deceptive act or practice.

All interested persons, including the consuming public, are hereby notified that they may file written data, views, or arguments concerning the proposed rule set forth above in this notice, with the Chief, Division of Trade Regulation Rules, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street at Pennsylvania Avenue NW., Washington, D.C. 20580, not later than September 30, 1968. To the extent practicable, such written data, views, or arguments should be filed in duplicate.

All interested parties are given notice of opportunity to orally present data, views, or arguments with respect to the proposed rule at a hearing to be held at 10 a.m., e.d.t., on October 9, 1968, in Room 532 of the Federal Trade Commission Building, Washington, D.C.

The data, views, or arguments presented orally or in writing with respect to the proposed rule will be available for examination by interested parties at the office of the Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a Trade Regulation Rule.

All persons, firms, corporations, or others engaged in the manufacture, sale, or distribution of extension ladders in commerce as "commerce" is defined in the Federal Trade Commission Act, would be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Where a Trade Regulation Rule is relevant to any issue involved in an adjudicative proceeding thereafter instituted, the Commission may rely upon the rule to resolve such issue, provided that the respondent shall have been given a fair hearing on the applicability of the rule to the particular case.

Trade Regulation Rules express the experience and judgment of the Commission, based on facts of which it has knowledge derived from studies, reports, investigations, hearings, and other proceedings, or with official notice, concerning the substantive requirements of the statutes which it administers.

The labeling, advertising, and sale promotional material of manufacturers and other marketers of extension ladders indicate that the practice which would be prohibited by the proposed rule is widespread in the industry. This proceeding is designed to inform all industry members of their obligations under the law and assure equitable treatment in complying therewith.

Manufacturers and other marketers of extension ladders and other interested parties, including the purchasing public are urged to express their approval or disapproval of the proposed rule, or to recommend revisions thereof, and to give a full statement of their views.

Issued: July 31, 1968.

By the Commission.

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

[F.R. Doc. 68-9104; Filed, July 31, 1968; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-1542]

IDAHO

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

JULY 26, 1968.

1. In F.R. Doc. 68-7664, filed June 27, 1968, appearing on page 9513 of the issue for June 28, 1968, the S½ of sec. 25, T. 6 S., R. 22 E., in sentence 4 of paragraph 2, should be corrected as follows:

E½, sec. 25, T. 6 S., R. 22 E.

2. In the same document on page 9514, the following correction should be made to the land description in sec. 1 of T. 1 S., R. 22 E.:

T. 1 S., R. 22 E., Sec. 1, lot 1 and S½SE¼.

JOE T. FALLINI,
State Director.

[F.R. Doc. 68-9165; Filed, July 31, 1968; 8:45 a.m.]

[New Mexico 7208]

NEW MEXICO

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

JULY 26, 1968.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands described below for transfer out of Federal ownership as hereinafter specified.

2. This proposal has been discussed with State and local government officials, BLM advisory board and general public. Public meetings were held June 5, 1968 in Cuba, New Mexico and June 6, 1968 in Abiquiu, N. Mex. A public hearing on the proposed classification will be held at 1 p.m. on August 15, 1968 in the All-Purpose Room, Cuba High School, Cuba, N. Mex.

3. It is proposed to classify the lands described below for transfer out of Federal ownership. Priority for disposals will be given to applications for (a) State grants and indemnity selections (43 U.S.C. 851, 852); (b) exchanges for transfer out of Federal ownership under section 8 of the Taylor Grazing Act (43 U.S.C. 315g); (c) public uses and development under the act of June 14, 1926 (44 Stat. 741) as amended (43 U.S.C. 869); and (d) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171).

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 1 E.,
Sec. 5, lots 1, 6, 7, 8, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, and NE¼NW¼SE¼;
Sec. 8, lots 1, 2, W½NW¼ and E½SW¼.
T. 21 N., R. 1 W.,
Sec. 8, SW¼SW¼;
Sec. 18, SW¼NE¼ and N½SE¼.
T. 23 N., R. 1 W.,
Sec. 3, N½;
Sec. 4, E½ and E½SW¼;
Sec. 8, NE¼, N½SE¼, and SW¼SE¼;
Sec. 9, NW¼ and N½SW¼.
T. 24 N., R. 1 W.,
Sec. 21, SW¼SW¼;
Sec. 23, S½;
Sec. 26, N½N½;
Sec. 27, NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 28;
Sec. 29, E½NE¼, SW¼NE¼, and SE¼;
Sec. 33, E½;
Sec. 34, W½.
T. 24 N., R. 2 W.,
Sec. 20, S½;
Sec. 21, S½;
Sec. 22, S½NE¼ and S½;
Sec. 23, NE¼NE¼, S½N½, and S½;
Sec. 24.
T. 25 N., R. 2 W.,
Sec. 6, lot 1.
T. 26 N., R. 2 W.,
Sec. 3, lots 1, 2, 3, 4, S½N½, SW¼, and N½SE¼;
Sec. 4, lots 1, 2, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lot 4;
Sec. 8, E½ and SW¼;
Sec. 9, W½E½ and W½;
Sec. 17;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 20, W½W½;
Sec. 29, W½W½;
Sec. 30, lots 1, 2, 3, and 4;
Sec. 31, lots 1, 2, 3, and 4.
T. 24 N., R. 3 W.,
Sec. 3, SW¼;
Secs. 4 and 5;
Sec. 6, lots 1 to 6, inclusive, S½NE¼ and SE¼;
Sec. 7, lots 1, 2, and NE¼;
Sec. 8, NW¼;
Sec. 10.
T. 25 N., R. 3 W.,
Sec. 1, lots 1, 2, 3, 4, SW¼NE¼, S½NW¼, and W½SE¼;
Sec. 5, lots 3 and 4;
Sec. 6, lot 1;
Sec. 11;
Sec. 12, W½;
Secs. 14 and 15;
Sec. 16, SE¼;
Secs. 19, 20, 21, 22, 28, 29, 30, and 31;
Sec. 32, NW¼NE¼, S½NE¼, W½, and SE¼.

The areas described above aggregate 21,871.66 acres.

4. It is proposed to classify the public lands described below for transfer out of Federal ownership. Priority for disposals will be given to (a) state grants and indemnity selections (43 U.S.C. 851, 852); (b) exchange under Section 8 of the Taylor Grazing Act (43 U.S.C. 315g); (c) public uses and development under the act of June 14, 1926 (44 Stat. 741) as amended (43 U.S.C. 869); (d) public sales under section 2455 of Revised Statutes (43 U.S.C. 1171) and (e) any other appropriate land law except the agricultural land laws (43 U.S.C. Parts 7 and 9, and 25 U.S.C. 334).

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 1 E.,
Sec. 6, lots 2, 7, S½NE¼, SE¼SW¼, and SE¼.
T. 24 N., R. 1 E.,
Sec. 16, NW¼SW¼ and E½SE¼, excluding HES 214;
Sec. 21, lot 5 and NE¼NW¼;
Sec. 28, NE¼NE¼, exclusive of HES 215, SE¼NE¼, and E½SE¼.
T. 21 N., R. 1 W.,
Sec. 4, lots 1, 2, 3, and 4;
Sec. 9, SE¼SW¼;
Sec. 14, lots 1, 2, 3, and 4;
Sec. 15, lots 1, 3, and NE¼NE¼;
Sec. 17, lots 3, 6, and 7;
Sec. 26, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 31, lots 10 and 11;
Sec. 34, lots 7 and 8;
Sec. 35, lot 7.
T. 22 N., R. 1 W.,
Sec. 4, N½NE¼SW¼, N½S½NE¼SW¼, SE¼SW¼NE¼SW¼, S½SE¼NE¼SW¼, E½NE¼NW¼SW¼, NW¼NE¼NW¼SW¼, N½NW¼NW¼SW¼, NE¼SE¼NW¼SW¼, S½SW¼SW¼, and N½SE¼;
Sec. 5, N½N½NE¼SE¼, NW¼SW¼SE¼, N½N½NW¼SE¼, S½NW¼NW¼SE¼, SW¼NW¼SE¼, and S½S½SE¼;
Sec. 7, SW¼SW¼SE¼SE¼ and E½SW¼SE¼SE¼;
Sec. 8, NW¼NW¼NW¼SW¼;
Sec. 17, E½NE¼, NW¼NE¼, NE¼NW¼, N½NE¼SW¼, N½S½NE¼SW¼, S½SE¼NE¼SW¼, S½NW¼SW¼SW¼, S½SW¼SW¼, N½SE¼SE¼, N½S½SE¼SE¼, and S½SW¼SE¼SE¼;
Sec. 20, SW¼NE¼NE¼, W½SE¼NE¼, W½E½SE¼NE¼, and E½SE¼SE¼NE¼;
Sec. 28, lots 1, 2, 3, and S½NW¼;
Sec. 29, lots 2, 3, SE¼NE¼, N½NW¼, and W½SW¼;
Sec. 30, NE¼NE¼;
Sec. 31, lots 2 and 3;
Sec. 33, lots 5, 6, NW¼SE¼, and S½S½.
T. 23 N., R. 1 W.,
Sec. 1, lot 1 and SE¼SW¼;
Sec. 5, lot 1, S½NE¼, SW¼, and N½SE¼;
Sec. 8, NW¼NW¼;
Sec. 11, NE¼NE¼ and S½NE¼;
Sec. 16, SW¼SW¼;
Sec. 21, NW¼ and W½SW¼.
T. 24 N., R. 1 W.,
Sec. 1, lots 3, 4, and S½NW¼;
Sec. 10, E½NE¼, NE¼SE¼, and SW¼SE¼;
Sec. 11, NW¼;
Sec. 15, NW¼NE¼ and N½NW¼;
Sec. 21, NE¼NW¼ and S½NW¼.
T. 25 N., R. 1 W.,
Sec. 36, E½SE¼ and SW¼SE¼.
T. 24 N., R. 2 W.,
Sec. 3, lot 1;
Sec. 8, E½NE¼ and NW¼NE¼;
Sec. 9, NW¼NE¼;
Sec. 14, SW¼NE¼;
Sec. 17, S½SW¼;
Sec. 18, NW¼ and S½SE¼;
Sec. 20, W½NE¼ and NW¼;
Sec. 30, SE¼NW¼.

T. 25 N., R. 2 W.,
Sec. 3, lots 1, 2, 3, S½NE¼, SE¼NW¼, SW¼, NE¼SE¼, and W½SE¼;
Sec. 9, N½NE¼;
Sec. 10, NW¼NW¼ and NE¼SW¼;
Sec. 23, SW¼;
Sec. 24, N½.
T. 26 N., R. 2 W.,
Sec. 13, SE¼SW¼ and S½SE¼;
Sec. 23, NE¼SW¼ and W½SW¼;
Sec. 24, N½NE¼;
Sec. 25, NE¼SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, SE¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 33, N½NE¼ and N½SE¼;
Sec. 34, W½NW¼, NW¼SW¼, and SW¼SE¼.
T. 24 N., R. 3 W.,
Sec. 11, E½ and NW¼;
Sec. 12, NW¼NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 13, N½N½;
Sec. 14, N½NE¼ and SE¼;
Sec. 15, SE¼;
Sec. 17, SE¼;
Sec. 18, lots 1, 2, 3, and 4;
Sec. 19, lots 1, 2, 3, and 4;
Sec. 22, E½;
Sec. 27, E½;
Sec. 31, lots 3, 4, and NE¼;
Sec. 34, E½.
T. 25 N., R. 3 W.,
Sec. 3, lots 3, 4, and SW¼NW¼;
Sec. 33, S½SE¼.

The lands described above aggregate 10,485.71 acres.

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

6. The public lands affected by this proposed classification are shown on maps on file and available for inspection in the Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107, and in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501. The lands are located in Sandoval and Rio Arriba Counties, N. Mex.

7. 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 District Manager, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. 87107.

W. J. ANDERSON,
State Director.

[F.R. Doc. 68-9166; Filed, July 31, 1968; 8:45 a.m.]

[OR 3051]

OREGON

Notice of Classification of Public Lands for Multiple-Use Management

JULY 26, 1968.

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described in paragraph 3 are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171), and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. 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. No adverse comments were received following publication of the notice of proposed classification (33 F.R. 5051 of Mar. 27, 1968), or at the public hearing at Baker, Oreg., which was held on Apr. 2, 1968. Therefore, no changes have been made in the list of lands included in this classification, except that the Mar. 27, 1968 notice of proposed classification (33 F.R. 5051) contained in error certain lands which are already included in the Whitman National Forest. These lands are not included in this notice, but are listed in a separate notice of termination. The record showing the comments received and other information is on file and can be examined in the Baker District Office, Baker, Oreg., and in the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg.

3. As provided in paragraph 1 above, the public lands affected by this classification are located within the following described areas and are shown on a map designated "OR 3051, 2411.2:36-060: Mar. 1968" on file in the Baker District Office, Bureau of Land Management, Baker, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The description of the areas is as follows:

WILLAMETTE MERIDIAN

WALLOWA COUNTY

T. 5 S., R. 48 E.,
Secs. 25, 34, 35, and 36.
T. 5 S, R. 49 E.,
Sec. 30.

BAKER COUNTY

T. 6 S., R. 48 E.,
Secs. 1 to 4, inclusive, secs. 8 to 12, inclusive, secs. 14 to 22, inclusive, and secs. 28 to 33, inclusive.
T. 7 S., R. 40 E.,
Sec. 2, secs. 11 to 14, inclusive, secs. 20, 21, 22, W½SW¼ sec. 26, secs. 27, 28, 33, and 34.
T. 7 S., R. 41 E.,
Secs. 16 to 21, inclusive, S½ sec. 22, S½ sec. 23, secs. 26 to 29, inclusive, and secs. 31 to 35, inclusive.
T. 7 S., R. 42 E.,
Secs. 17, 20, S½ sec. 23, S½ sec. 24, secs. 25 to 28, inclusive, and secs. 30 to 35, inclusive.
T. 7 S., R. 43 E.,
W½ sec. 28 and secs. 29 to 33, inclusive.
T. 7 S., R. 47 E.,
Secs. 25 and 36.
T. 7 S., R. 48 E.,
Secs. 4 to 8, inclusive, secs. 17 to 22, inclusive, and secs. 27 to 34, inclusive.
T. 8 S., R. 38 E.,
Secs. 9, 10, 11, 14, 15, 16, 21, SW¼NE¼, NW¼, N½SW¼, W½SE¼ sec. 22, and sec. 28.
T. 8 S., R. 41 E.,
Sec. 3, secs. 5 to 8, inclusive, secs. 10, 11, 13, 14, 15, 17, 18, secs. 22 to 26, inclusive, and secs. 32 to 36, inclusive.
T. 8 S., R. 42 E.,
Secs. 1 to 6, inclusive, secs. 8 to 12, inclusive, secs. 14, 15, W½W½, sec. 19, secs. 23, 24, 27, 28, E½NE¼ and SW¼SW¼ sec. 29, S½ sec. 30, sec. 31, NW¼ and S½ sec. 32, secs. 33, 34, and 35.
T. 8 S., R. 43 E.,
Secs. 4 to 10, inclusive, secs. 15 to 30, inclusive, secs. 33, 34, and 35.
T. 8 S., R. 44 E.,
Sec. 25, W½W½ sec. 28, secs. 29 to 33, inclusive, and sec. 36.
T. 8 S., R. 45 E.,
Secs. 20, 21, secs. 25 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 8 S., R. 46 E.,
Secs. 19, 20, 24, 29, 30, 31, 32, 34, and 35.
T. 8 S., R. 47 E.,
Secs. 1, 2, 3, 10, 12, 13, 15, secs. 17 to 20, inclusive, sec. 22, secs. 24 to 30, inclusive, secs. 33, 34, 35, and 36.
T. 8 S., R. 48 E.,
Secs. 4 to 9, inclusive, secs. 17, 18, 19, and 30.
T. 9 S., R. 39 E.,
Sec. 23, SE¼NW¼, NE¼SW¼, sec. 34, secs. 35 and 36.
T. 9 S., R. 41 E.,
Secs. 1 to 8, inclusive, secs. 10 to 13, inclusive, secs. 15 to 21, inclusive, secs. 25 to 29, inclusive, and secs. 32 to 36, inclusive.
T. 9 S., R. 42 E.,
Secs. 1 to 18, inclusive, secs. 20 to 25, inclusive, secs. 27, 28, 33, 34, and 35.
T. 9 S., R. 43 E.,
Secs. 1 to 10, inclusive, and sec. 18.
T. 9 S., R. 44 E.,
Secs. 3, 4, 5, 6, 10, 11, 14, and 15.
T. 9 S., R. 45 E.,
Secs. 1, 2, 4, 5, 6, 7, 8, 12, and secs. 28 to 35, inclusive.
T. 9 S., R. 46 E.,
Secs. 1 to 8, inclusive, secs. 11, 12, 13, 14, 17, 18, and secs. 20 to 34, inclusive.
T. 9 S., R. 47 E.,
Secs. 2, 3, 4, secs. 6 to 11, inclusive, secs. 14, 15, secs. 17 to 21, inclusive, secs. 29 and 30.
T. 10 S., R. 39 E.,
Secs. 1, 2, secs. 10 to 16, inclusive, secs. 21, 22, 25, 27, 28, E½NE¼, sec. 29, and sec. 34.
T. 10 S., R. 41 E.,
Secs. 1, 2, 3, and 4.
T. 10 S., R. 42 E.,
Secs. 1, 2, 3, 4, secs. 7 to 19, inclusive, secs. 21 to 28, inclusive, N½, N½S½ sec. 30, W½NW¼ sec. 33, and secs. 34 to 36, inclusive.
T. 10 S., R. 43 E.,
Secs. 6, 7, 8, secs. 17 to 20, inclusive, secs. 23 to 26, inclusive, secs. 29 to 33, inclusive, and sec. 35.
T. 10 S., R. 44 E.,
Sec. 1, secs. 17 to 21, inclusive, and secs. 27 to 33, inclusive.
T. 10 S., R. 45 E.,
Secs. 2 to 15, inclusive, N½ sec. 22, secs. 23, 24, 26, 35, and 36.
T. 10 S., R. 46 E.,
Secs. 2 to 10, inclusive, sec. 15, secs. 17 to 21, inclusive, and secs. 28 to 33, inclusive.
T. 11 S., R. 37 E.,
SW¼NW¼ sec. 19, SE¼SE¼ sec. 20, N½NW¼, SW¼SE¼ sec. 21, SE¼NE¼, NE¼SE¼ sec. 22, N½NW¼ sec. 27, NW¼NW¼ sec. 29, and SE¼SE¼ sec. 35.

T. 11 S., R. 38 E.,
E½NE¼, N½NW¼, E½SW¼, SE¼ sec. 25, E½NE¼, NW¼NE¼, NW¼NW¼ sec. 26, E½NW¼, NW¼NW¼ sec. 27, secs. 33 and 34.
T. 11 S., R. 39 E.,
Secs. 2, 11, SW¼SW¼ sec. 29, NE¼NE¼, W½NE¼, W½ sec. 30, and sec. 31.
T. 11 S., R. 40 E.,
Sec. 1, secs. 5 to 9, inclusive, NE¼NW¼ sec. 12, S½NE¼, SE¼NW¼, NW¼SE¼ sec. 13, sec. 22, SW¼SE¼ sec. 23, SE¼NW¼ sec. 24, E½NE¼, NW¼NE¼ sec. 26, and W½SW¼, SE¼SE¼ sec. 35.
T. 11 S., R. 41 E.,
Sec. 11, NW¼NW¼, SE¼SW¼ sec. 14, SE¼SW¼ sec. 18, SE¼SE¼ sec. 21, NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, N½SE¼, SE¼SE¼ sec. 22.
Secs. 23 to 27, inclusive, NW¼NE¼, S½N½, S½ sec. 28, S½NE¼, NE¼SW¼, SE¼ sec. 29, NW¼SE¼ sec. 30, SW¼NW¼, SE¼SW¼ sec. 31, E½, SE¼NW¼, E½SW¼ sec. 32, and secs. 33 to 36, inclusive.
T. 11 S., R. 42 E.,
Secs. 1, 8, 9, 11, and secs. 12 to 35, inclusive.
T. 11 S., R. 43 E.,
Secs. 2 to 10, inclusive, secs. 14 to 22, inclusive, and N½ sec. 23.
T. 11 S., R. 44 E.,
Secs. 5, 6, 7, 13, 14, 23, 24, 25, and 36.
T. 11 S., R. 45 E.,
Secs. 1, 3, S½ sec. 4, secs. 9, 10, 11, 12, 14, 15, secs. 18 to 23, inclusive, and secs. 26 to 36, inclusive.
T. 11 S., R. 46 E.,
Secs. 4, 5, 6, 7, 8, 17, 18, 19, and 30.
T. 12 S., R. 36 E.,
SE¼SE¼ sec. 22, secs, 23, 24, and 25.
T. 12 S., R. 37 E.,
SE¼SW¼ sec. 5, SW¼SW¼ sec. 6, NW¼SW¼, NW¼SE¼, E½SE¼ sec. 7, NE¼NE¼, E½NW¼, SW¼SW¼, E½SW½, W½SE¼, NE¼SE¼ sec. 8, sec. 9, secs. 12, 13, 14, 19, 21, 22, 26, 27, 28, 31, and secs. 33 to 36, inclusive.
T. 12 S., R. 38 E.,
Secs. 1, 2, 4, 10, secs. 12 to 15, inclusive, secs. 22, 24, 29, and secs. 31 to 34, inclusive.
T. 12 S., R. 39 E.,
Secs. 5, 6, 7, 9, SW¼, W½SE¼ sec. 10, S½NE¼, NE¼SE¼ sec. 11, SE¼SW¼ sec. 12, secs. 14, 15, 16, 21, 22, and 23.
T. 12 S., R. 40 E.,
NE¼SW¼, SW¼SW¼ sec. 1, NE¼NE¼, S½NE¼, NW¼, SE¼ sec. 12, secs. 14, 15, 21, 22, 23, 24, 26, and 27.
T. 12 S., R. 41 E.,
Secs. 1 to 5, inclusive, W½NW¼, NW¼, E½SE¼ sec. 6, NE¼NE¼, S½N½ sec. 7, secs. 8 to 16, inclusive, secs. 19 to 29, inclusive, and secs. 35 and 36.
T. 12 S., R. 42 E.,
Secs. 2 to 9, inclusive, sec. 15, secs. 18 to 22, inclusive, and secs. 28 to 36, inclusive.
T. 12 S., R. 43 E.,
Secs. 1, 2, 3, secs. 5 to 17, inclusive, secs. 21, 23, 24, 26, 27, 28, and secs. 31 to 35, inclusive.
T. 12 S., R. 44 E.,
Secs. 1, 7, secs. 12 to 29, inclusive, and secs. 31 to 36, inclusive.
T. 12 S., R. 45 E.,
Secs. 1 to 12, inclusive, secs. 14, 15, 18, 19, 20, and secs. 28 to 32, inclusive.
T. 13 S., R. 37 E.,
Secs. 1, 2, 3, secs. 5 to 9, inclusive, secs. 11, 12, 14, 15, 21, 22, 23, 27, and 28.
T. 13 S., R. 38 E.,
Secs. 3 to 9, inclusive, secs. 18, 19, and 20.
T. 13 S., R. 41 E.,
Secs. 1, 2, and 12.
T. 13 S., R. 42 E.,
Secs. 1, 2, 3, secs. 5 to 15, inclusive, and secs. 22 to 25, inclusive.
T. 13 S., R. 43 E.,
Secs. 2 to 16, inclusive, N½ sec. 17, secs. 18, 19, secs. 21 to 28, inclusive, and secs. 32 to 36, inclusive.
T. 13 S., R. 44 E.,
Secs. 1 to 9, inclusive, secs. 11 to 15, inclusive, secs. 17 to 23, inclusive, secs. 26, 27, 29, 30, 35, and 36.
T. 13 S., R. 45 E.,
Secs. 5 to 9, inclusive, secs. 16 to 21, inclusive, and secs. 29 to 32, inclusive.
T. 14 S., R. 43 E.,
Secs. 1, 2, 4, 5, 11, and 12.
T. 14 S., R. 44 E.,
Secs. 1, 2, 5, 6, 12, secs. 15 to 18, inclusive, secs. 21 to 29, inclusive, and secs. 33 to 36, inclusive.
T. 14 S., R. 45 E.,
Secs. 6 to 9, inclusive, secs. 15, 16, 17, 21, 22, 27, and 31.

The areas described aggregate approximately 341,700 acres of public lands.

4. For a period 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1–2(d)).

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 68–9167; Filed, July 31, 1968; 8:45 a.m.]

[OR 3051]

OREGON

Notice of Termination of Proposed Classification of Public Lands

JULY 26, 1968.

Notice of a proposed classification of public lands for multiple-use management was published as F.R. Doc. 68–3626 on pages 5051 and 5052 of the issue for March 27, 1968. The proposed classification has been cancelled insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2411.2(e)(z)(ii), such lands will be at 10 a.m. on September 3, 1968, relieved of any segregative effect the above-mentioned proposed classification may have had.

The lands involved in this notice of termination are:

WILLAMETTE MERIDIAN

T. 7 S., R. 42 E.,
Sec. 23, N½;
Sec. 24, N½.
T. 7 S., R. 43 E.,
Sec. 28, E½.
T. 8 S., R. 38 E.,
Sec. 22, N½NE¼.
T. 9 S., R. 39 E.,
Sec. 34, SE¼SW¼.
T. 10 S., R. 39 E.,
Sec. 29, SW¼NE¼, W½, and SE¼.
T. 11 S., R. 37 E.,
Sec. 19, NW¼NW¼, W½SW¼, and E½SE¼;
Sec. 20, SW¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, N½NE¼, SW¼NE¼, NW¼SE¼, and S½S½;
Sec. 27, N½NW¼;
Sec. 29, SW¼NW¼;
Sec. 35, NE¼NE¼, S½NE¼, NE¼SW¼, and N½SE¼.
T. 11 S., R. 38 E.,
Sec. 25, SW¼NE¼, S½NW¼, and W½SW¼;
Sec. 26, SE¼SE¼;
Sec. 27, NE¼NE¼.
T. 11 S., R. 39 E.,
Sec. 29, W½NW¼;
Sec. 30, SE¼NE¼ and E½SE¼.
T. 11 S., R. 40 E.,
Sec. 12, S½NE¼, W½NW¼, and N½SE¼;
Sec. 13, SW¼SW¼ and SW¼SE¼;
Sec. 23, N½, SW¼, N½SE¼, and SE¼SE¼;
Sec. 24, W½NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, and S½;
Sec. 26, SW¼NE¼, NW¼, and SE¼SE¼;
Sec. 35, E½NE¼, E½SW¼, N½SE¼, and SW¼SE¼.
T. 11 S., R. 41 E.,
Sec. 14, S½NW¼ and N½SW¼;
Sec. 18, N½NE¼;
Sec. 21, E½NE¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 22, SW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 28, N½NW¼;
Sec. 29, N½NE¼, E½NW¼, W½W½, and SE¼SW¼;
Sec. 30, N½, SW¼, NE¼SE¼, and S½SE¼;
Sec. 31, NE¼, N½NW¼, SE¼NW¼, N½S½, SW¼SW¼, and SE¼SE¼;
Sec. 32, NE¼NW¼ and W½W½.
T. 12 S., R. 36 E.,
Sec. 22, W½ and W½SE¼.
T. 12 S., R. 37 E.,
Sec. 5, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6, NE¼NE¼, S½NE¼, SE¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 7, N½ and NE¼SW¼;
Sec. 8, W½NW¼ and NW¼SW¼.
T. 12 S., R. 39 E.,
Sec. 10, NE¼;
Sec. 11, N½N½, S½NW¼, and SE¼SE¼;
Sec. 12, N½, N½SW¼, SW¼SW¼, and SE¼.
T. 12 S., R. 40 E.,
Sec. 1, N½, NW¼SW¼, SE¼SW¼, and SE¼;
Sec. 12, NW¼NE¼.
T. 12 S., R. 41 E.,
Sec. 6, SW¼ and W½SE¼;
Sec. 7, NW¼NE¼, N½NW¼, and S½.

ARCHIE D. CRAFT,
State Director.

[F.R. Doc. 68–9168; Filed, July 31, 1968; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 132]

LOAN GUARANTEE PROGRAM

Organization and Functions

The following order was issued by the Secretary of Commerce on July 22, 1968. This material supersedes the material appearing at 28 F.R. 5688 of June 11, 1963.

SECTION 1. *Purpose.* The purpose of this order is to delegate authority and otherwise provide for performance of the loan guarantee functions of the Department of Commerce as a guaranteeing agency under the provisions of section 301 of the Defense Production Act of 1950, as amended, and Part III of Executive Order 10480 of August 14, 1953, as amended.

SEC. 2. *Authority.* .01 Section 301 of the Defense Production Act of 1950, as amended, provides in substance that (a) in order to expedite production and deliveries under Government contracts, the President may authorize certain agencies (including the Department of Commerce) to guarantee any financing institution, public or private, against loss on loans made to finance any contractor or subcontractor, in connection with the performance or termination of any contract deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services for the national defense; (b) any Federal Reserve Bank may act, on behalf of any guaranteeing agency, as fiscal agent of the United States, and be reimbursed by the guaranteeing agency for expenses in acting as agent; (c) the President may issue regulations and prescribe rates of interest, guarantee and commitment fees, and other charges; and (d) each guaranteeing agency may use funds allocated or appropriated for such purposes.

.02 Under Executive Order 10480, as amended, the President designated the Department of Commerce as one of the guaranteeing agencies. He designated the Federal Reserve Banks as fiscal agents for the guaranteeing agencies, and authorized the Board of Governors of the Federal Reserve System after consultation with the guaranteeing agencies, to prescribe necessary regulations.

SEC. 3. *Delegation of authority.* .01 Authority is hereby delegated to the Assistant Secretary of Commerce for Domestic and International Business and, as alternate, the Deputy Assistant Secretary for Domestic Business Policy to exercise the powers and authorities vested in the Secretary of Commerce by section 301 of the Defense Production Act of 1950, as amended, section 302 of Executive Order 10480, as amended, and related regulations which have been or may subsequently be prescribed by the Board of Governors of the Federal Reserve System.

.02 This delegation of authority is made in accordance with the provisions of section 703 of the Defense Production Act of 1950, as amended, and section 602(b) of Executive Order 10480, as amended.

SEC. 4. *Loan Guarantee Advisory Board.* .01 There shall be in the Office of the Secretary a Loan Guarantee Advisory Board which shall be composed of the General Counsel of the Department of Commerce (or his designated representative), the Administrator of the Business and Defense Services Administration (or his designated representative), and, in the case of each proposed loan guarantee, the head of the operating unit having preponderant interest in the procurement contracts for which the financing is required (or his designated representative).

.02 It shall be the function of the Loan Guarantee Advisory Board, after review and analysis of the request for a loan guarantee and the procurement of the necessary Certificates of Eligibility and other documents and clearances, to recommend to the Assistant Secretary of Commerce for Domestic and International Business the action to be taken with respect to each proposed loan guarantee.

.03 The General Counsel, or his designated representative, shall serve as Chairman of the Board. The Office of the General Counsel shall provide the Board with such professional and clerical assistance as may be necessary.

.04 A representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Board as deemed desirable by the Board. Likewise, the Board may from time to time obtain the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

SEC. 5. *Issuance of instructions.* The Assistant Secretary of Commerce for Administration shall issue any orders, instructions or directives necessary to implement the provisions of this order.

Effective date: July 22, 1968.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 68-9162; Filed, July 31, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMDAL CO.

Notice of Filing of Petition for Food Additive Erythromycin Thiocyanate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Amdal Co., Agricultural Division, Abbott Laboratories, 14th Street and Sheridan Road, North Chicago, Ill. 60064, proposing that the food additive regulations (21 CFR Part 121, Subpart C) be amended to provide for the safe use of erythromycin (as erthromycin base) for intramuscular injection as follows:

Cattle: For treatment of foot rot, mastitis, metritis, pneumonia (or pneumonia enteritis complex), and shipping fever and stress.

Sheep: For treatment of upper respiratory infections and as an aid in the prevention of dysentery in newborn lambs.

Swine: For treatment of bronchitis, pneumonia, rhinitis, leptospirosis, mastitis, netritis, and bacterial scours (in baby pigs).

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9219; Filed, July 31, 1968; 8:49 a.m.]

FULTS-SANKO

Notice of Filing of Petition for Food Additives Polysorbate 60 (Polyoxyethylene (20) Sorbitan Monostearate), Sorbitan Monostearate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Fults-Sanko, Post Office Box 331, Tulare, Calif. 93274, proposing amendment of the food additive regulations (21 CFR Part 121) to provide for the safe use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) in combination with sorbitan monostearate as a wetting agent in steam flaking of grains intended for use in animal feeds.

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9220; Filed, July 31, 1968; 8:49 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0739) has been filed by the Shell Chemical Co., a division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of a tolerance of 10 parts per million for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate, including its low-melting isomer, in or on apples.

The analytical method proposed in the petition for determining residues of the insecticide, including its low-melting isomer, is a gas-liquid chromatographic procedure using a phosphorus-sensitive thermionic emission detector.

Dated: July 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-9221; Filed, July 31, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 19909, 16080; Order 68-7-124]

AMERICAN AIRLINES, INC.

Carrier Discussions Concerning the Air Freight Rate Structure and Containerization

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of July 1968.

By application filed May 24, 1968, American Airlines, Inc., (American) requests Board permission to hold carrier discussions for the purpose of reviewing

the domestic air freight rate structure and determining whether adjustments in the rates for various types of shipments may be warranted in light of current conditions. American also requests the Board to expand the scope of the containerization discussions which are presently authorized to include certain additional matters.[1] In addition to this latter request of American, the Air Transport Association (ATA) filed a request on June 24, 1968, for authority to renew carrier dicussions involving a review of the containerization program under their current agreements.[2]

American lists seven examples of general areas involving the rate structure which it considers appropriate for discussion, including (1) whether the existing rate structure gives sufficient recognition to the density of shipments, (2) the proper pricing of weight-breaks in the structure, (3) whether the number of pieces, as well as weight and density, should be reflected in the rate, (4) reduced daytime rates, (5) reserved space for shippers, (6) door-to-door service and through rates, and (7) the proper role and number of specific commodity rates.

American notes that the Board has already authorized industry discussions concerning the application of incentive discounts to mixed shipments in containers and requests the Board to broaden that authority to permit these discussions to include (1) extending container program benefits to air-truck through-rate shipments, (2) whether there should be one base rate for all commodities shipped in containers, (3) additional incentives to high density freight, (4) discounts to shippers who load containers at origin but lack facilities to unload at designation, and (5) registration of containers on an industry basis.

In support of its application, American states that the existing rate structure may not accurately reflect the cost of transporting various types of shipments under present circumstances. It points out that the current structure was developed a number of years ago when air freight shipments were small, were loaded and unloaded by hand, and were carried in piston and combination aircraft. In the interim, there has been a substantial increase in the volume of air freight, ground handling is being automated, and a considerble portion of air freight is being transported in all-cargo turbine-powered aircraft. In addition, the carrier states there is a question whether the existing structure gives sufficient recognition to density differences of shipments, since the existing rates are based primarily upon weight, whereas modern jet aircraft are generally space-limited and not weight-limited.

American also claims that it is difficult for a carrier to make substantial revisions in its rate structure through unilateral action. Furthermore, no single carrier has access to all traffic and cost data which should be considered. Therefore, American states it would be difficult for a single carrier to determine if substantial revisions in the air freight rate structure are appropriate or to implement such a decision.

Trans World Airlines, Inc.,[3] and Braniff Airways, Inc., have filed answers supporting American's application, with respect to discussing the freight rate structure and to expanding the scope of the containerization discussions. United Air Lines, Inc., has supported American only insofar as it sought authorization to discuss the container program.

Upon consideration of the petition, supporting letters, and other relevant factors, the Board has determined to deny permission to hold industry discussions concerning the air freight rate structure. As a general rule, discussions of this nature may be authorized when the Board has sufficient information to evaluate the potential public benefits which may result from concerted carrier action and when it appears that this desirable end cannot be achieved by individual carrier action. However, there is no information before us which demonstrates that intercarrier discussions of the air freight rate structure are required by a serious transportation need or necessary to secure important public benefits. The petition merely notes changes which have occurred in the air freight industry and cites examples of various areas which may be explored. In the absence of a more compelling showing of the problems that the carriers are encountering, and the results which the carriers are seeking to achieve, we cannot assume that the public interest would be served by authorizing these discussions.

We recognize however that there is little of a factual nature known about various areas cited by American, e.g. unit costs of air freight service by shipment size and length of haul, the effect of density and number of pieces on unit costs, the volume of air freight and related revenues by weight break, the distribution of air freight by hour of the day, and the volume of traffic and revenues of air freight carried at specific commodity rates. Industry studies may be helpful in developing facts which may suggest solutions or at least assist the industry and the Board in determining the best approach to various problems. We also recognize that specific problems may exist and that in some situations competitive forces may prevent unilaterial carrier action which would be beneficial to the public and to the industry. For this reason, our denial of American's application will be without prejudice to any further request to discuss problems involving the air freight rate structure within a clearly defined framework.

With respect to American's request to expand the scope of the containerization discussions presently authorized in Docket 16080, the Board has concluded that such discussions may produce desirable results and the carrier's request will be granted. This authority is consistent with that heretofore given in Order E-22190, May 20, 1965. The Board will also approve expansion of these discussions in Docket 16080 to include the question of standard incentive discounts for container shipments regardless of the commodity mix therein, and the establishment of reduced charges for the return transportation of empty containers. However, the Board is not convinced that there is a present need to discuss the actual container rates or the level of rates, and the authority granted by this order is subject to the express limitation that there shall be no discussion of container rates or rate levels. In addition, the Board will grant ATA's request to renew discussions for the purpose of reviewing the containerization program under the currently effective agreement.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 412, and 414 thereof: *It is ordered*, That:

1. The applications of American Airlines, Inc., in Docket 19909 and the Air Transport Association in Docket 16080 to authorize further containerization discussions are granted for a period of 180 days from the date of this order: *Provided however*, That such authority shall not extend to the discussions of rates or rate levels;

2. The application of American Airlines, Inc., in Docket 19909 to authorize discussions of the air freight rate structure is denied without prejudice to any subsequent request which may be filed for this purpose; and

3. The discussions authorized herein shall be subject to the conditions and restrictions heretofore applied to containerization discussions in Order E-26678, April 18, 1968, and the expiration date for the authority granted in that order is extended for a period of 180 days from the date of this order: *Provided however*, That such authority shall not extend to the discussion of rates or rate levels.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9210; Filed, July 31, 1968; 8:48 a.m.]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Notice of Prehearing Conference Regarding Charter Provisions

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 12, 1968, at 10 a.m., e.d.s.t., in Room 726,

[1] Order E-26678, Apr. 18, 1968, in Docket 16080; this discussion authority is limited to the application of incentive discounts on mixed shipments in containers, and expires 180 days from the date of that order.

[2] This review was contemplated by the Board when these agreements were approved on Feb. 6, 1968 (Order E-26320).

[3] Trans World Airlines, Inc., requests that the discussions include discounts for the return transportation of empty containers.

Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Dated at Washington, D.C., July 29, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-9209; Filed, July 31, 1968; 8:48 a.m.]

[Docket No. 19649]

JET FORWARDING, INC., AND HENRY A. PONTES

Notice of Proposed Approval of Application

Application of Jet Forwarding, Inc., and Henry A. Pontes for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 19649.

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 attached order 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., July 26, 1968.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority.

Application of Jet Forwarding, Inc., Henry A. Pontes, for aproval of common control and interlocking relationships under sections 408 and 409 of the Act; Docket 19649.

By amended application filed April 18, 1968, Jet Forwarding, Inc. (Jet), and Henry A. Pontes request approval, pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of the control relationships resulting from Mr. Pontes' control of Jet, a domestic and international air freight forwarder of used household goods and Southern California Van and Storage (SoCal) and Queen Van and Storage (Queen).[1] Both SoCal and Queen are intrastate common carriers by motor vehicle in the State of California engaged in the moving and storage of household goods.[2]

Approval is also sought, pursuant to section 409 of the Act, of the interlocking relationships resulting from Mr. Pontes holding the positions of president and director Jet, SoCal, and Queen.

The application states that the above relationships are in the public interest, do not create a monopoly nor tend to restrain trade. In addition, the application states that the same considerations that caused the Board to approve the relationships involving Jet and Pacific are present in the instant case.

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 1 day following such publication, both in accordance with section 408(b) of the Act.[3]

Upon consideration of the foregoing, it is concluded that Jet is an air carrier and that SoCal and Queen are common carriers, both within the meaning of section 408(a) of the Act, that Mr. Pontes exercises control over Jet, SoCal, and Queen and that his common control of the companies is subject to that section. However, it has been further concluded that such a control relationship does not affect a carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing and it is concluded that the public interest does not require a hearing. The control relationsihp is similar to others which have been approved by the Board and does not, essentially, present any new substantive issues.[4] It therefore appears that approval of the control relationships would be consistent with the public interest.[5]

We also find that interlocking relationships within the meaning of section 409 result from the holding by Mr. Pontes of the positions described herein. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by section 287.2 of the Board's economic regulations. Thus, to the extent that the application requests approval of such relationships, it will be dismissed.

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 foregoing control relationships should be approved under section 408(b) of the Act, without hearing, and that the application, to the extent that it requests approval of the aforementioned interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the common control of Jet, SoCal, and Queen by Mr. Pontes 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] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-9211; Filed, July 31, 1968; 8:48 a.m.]

[1] Mr. Pontes owns 78.7 percent of the stock of Jet. Both SoCal and Queen were acquired and are wholly owned by Pacific Van and Storage (Pacific) which in turn is wholly owned by Mr. Pontes. The control and interlocking relationships involving Mr. Pontes, Jet and Pacific were approved by Board Order E-21836 Feb. 24, 1965.

[2] The application states, however, that since Dec. 31, 1967, Queen has been inactive.

[3] It has been concluded that exceptional circumstances exist within the meaning of The Sherman Doctrine, and that there is no impediment to the processing of the application on its merits.

[4] Order E-21836, Feb. 24, 1965.

[5] As was noted in Order E-21836, Jet's operating authorizations are restricted to the movement of used household goods. Approval of the instant application is not, in any way, intended to alter that restricted authority.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18128; FCC 68-756]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Regarding Tariff Investigation

In the matter of American Telephone and Telegraph Co., Long Lines Department, revisions of Tariff FCC No. 260, private line services, Series 5000 (TEL PAK); Docket No. 18128.

1. By order adopted April 10, 1968, and released April 12, 1968 (FCC 68-388), the Commission instituted an investigation, pursuant to section 204 of the Communications Act of 1934, as amended, into the lawfulness of revised tariff schedules filed by American Telephone and Telegraph Co. (A.T. & T.) on March 25, 1968, under its Transmittal No. 10069, which would effectuate substantial increases in TEL PAK rates. Further, in that order, the effective date of the proposed tariff schedules was suspended from June 1, 1968, to September 1, 1968—the full 3-month period beyond the time when it would otherwise go into effect—as authorized by section 204 of the Act.

2. Similarly revised TELPAK tariff schedules were originally filed by The Western Union Telegraph Co. (Western Union) in its Tariff FCC No. 237 on March 1, 1968, under its Transmittal No. 6186, to become effective April 1, 1968; the effective date of the revised schedules was deferred until June 1, 1968, by Western Union under Transmittal No. 6193 (filed Mar. 27, 1968); the effective date was again deferred, this time until September 1, 1968, under Transmittal No. 6213 (filed May 21, 1968). In view of the deferral of the effective date until September 1, 1968, the same date that the suspension expires and A.T. & T.'s TEL PAK revisions become effective, there was no occasion to suspend Western Union's revised TELPAK schedules.

3. By order adopted July 11, 1968, and released July 16, 1968 (FCC 68-711), the Commission instituted an investigation and hearing into the lawfulness of charges by A.T. & T. for private line services in general, including charges for teletypewriter station equipment. The investigation of A.T. & T.'s TELPAK rates ordered in the April 12, 1968 order (FCC 68-388) was included in the private line investigation. In the same order, the Commission suspended the revised tariff schedules increasing A.T. & T.'s charges for teletypewriter station equipment for the full 3-month period authorized by

section 204 of the Act—from the proposed effective date of August 1, 1968, until November 1, 1968.

4. In view of our investigation of A.T. & T.'s revised TELPAK schedules and the expansion of that investigation to include A.T. & T.'s private line schedules in general, and as Western Union has similarly revised TELPAK schedules and has revised tariff schedules increasing its charges for teleprinter station equipment (the equivalent of A.T. & T. teletypewriter station equipment), and is otherwise competitive with A.T. & T. in private line tariff offerings, the same questions are raised as to the lawfulness of the equivalent Western Union tariffs. Therefore, it is the view of the Commission that the lawfulness of the Western Union private line charges, including charges for Western Union TELPAK and the teleprinter station equipment, should also be determined and that the effective date for the revised tariff schedules for Western Union teleprinter station equipment should be suspended from the proposed August 1, 1968, date until November 1, 1968.

5. *Accordingly, it is ordered,* That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the hearing and investigation in Docket No. 18128 concerning the lawfulness of the private line tariff schedules of American Telephone and Telegraph Co. shall include like schedules of The Western Union Telegraph Co. in its Tariff FCC No. 237, and that the issues heretofore specified in that docket shall apply with equal force to the tariff schedules of The Western Union Telegraph Co.

6. *It is further ordered,* That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the tariff schedules listed in the Appendix hereto [1] as becoming effective August 1, 1968, is hereby suspended, unless otherwise ordered by the Commission, until November 1, 1968, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges sought to be altered thereby unless authorized by special permission of the Commission.

7. *It is further ordered,* That, in the event a decision as to the lawfulness of all the provisions suspended has not been made during the suspension period, and said increased charges, practices, classifications, and regulations go into effect, The Western Union Telegraph Co. shall, as provided in section 204 of the Communications Act of 1934, as amended, and until further ordered by the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Act, and the carrier shall file with the Commission a report on or before the 10th day of each calendar month, commencing December 10, 1968, showing the amounts accounted for as aforesaid during the previous calendar month;

8. *It is further ordered,* That a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that Western Union is hereby made party respondent to this proceeding; and that a copy hereof be served upon such respondent, upon the agency of each State and the District of Columbia which has regulatory jurisdiction with respect to communications rates and services and the National Association of Regulatory Utility Commissioners.

Adopted: July 24, 1968.

Released: July 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION [1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-9214; Filed, July 31, 1968; 8:49 a.m.]

[1] Filed as part of the original document.

[1] Chairman Hyde absent; Commissioner Cox abstaining from voting.

[Docket Nos. 17681, 17682; FCC 68M-1097]

LIBERTY TELEVISION AND MEDFORD PRINTING CO.

Order Scheduling Hearing

In re applications of Liberty Television, a joint venture comprised of Liberty Television, Inc., and Siskiyou Broadcasters, Inc., Medford, Oreg., Docket No. 17681, File No. BPCT-3858; Medford Printing Co., Medford, Oreg., Docket No. 17682, File No. BPCT-3859; for construction permit for new television broadcast station (Channel 8).

A hearing conference having been held on July 24, 1968;

It is ordered, That hearing herein shall resume on September 23, 1968, at 10 a.m., in the offices of the Commission at Washington, D.C.

Issued: July 24, 1968.

Released: July 25, 1968.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68-9215; Filed, July 31, 1968; 8:49 a.m.]

[Docket No. 18263; FCC 68-750]

INTERNATIONAL TELEGRAPH REGULATIONS

Notice of Inquiry

In the matter of revision of the Telegraph Regulations (Geneva Revision, 1958) annexed to the International Telecommunications Convention (Montreux, 1965).

1. The International Telegraph Regulations (Geneva Revision, 1958), which are annexed to the International Telecommunication Convention (Montreux, 1965),[1] contain provisions, particularly operating provisions, which many administrations believe should be transferred from the Telegraph Regulations and became the subject of recommendations (which do not have treaty effect) issued by the ITU's International Telephone and Telegraph Consultative Committee (CCITT). Those supporting this approach do so because, among other things, they believe that the transferred material can more easily be kept current in reflecting modern telegraph practice as recommendations than as regulations since the CCITT meets more often than do Administrative Telegraph and Telegraph Conferences at which regulations are revised.

2. Thus, the Plenipotentiary Conference of the ITU held at Montreux in 1965 to revise the basic Convention, adopted its Resolution No. 36, which instructed the CCITT:

1. To ascertain which provisions of the Telegraph [and Telephone] Regulations are, or could be, the subject of CCITT recommendations and could accordingly be omitted from the regulations; and

2. To submit proposals for this purpose to the next Plenary Assembly of the CCITT.

After consideration and approval by the CCITT Plenary Assembly, the proposal for simplification shall be submitted to the next world administrative conference dealing with telegraph [and telephone] questions.

3. This question is now being considered by CCITT Study Group I which, at its Melbourne meeting in 1966 assigned the matter to a working party. The working party has met twice, and the study group has considered the progress so far made. The matter will be further discussed this next September–October, on the occasion of the CCITT Plenary Conference at Argentina, which is to consider, among other things, the report on the matter by Study Group I.

4. The United States has thus far taken the position that it agrees to the transfer of those provisions in the Regulations relating to operating matters, but that provisions more directly affecting the public, such as those relating to charges, should be retained. This position was conveyed to Study Group I in writing (see Attachment 1)[2], and was followed by the United States at meetings of Study Group I and its Working Party on revision of the Telegraph Regulations. A copy of the draft text (prepared by the CCITT Secretariat) of the Telegraph Regulations as revised by the Working Party at its second meeting in 1967 is annexed hereto (Attachment 2).[3] This draft substantially agrees with the United States position.

5. However at the most recent meetings on this matter in March and April 1968, several administrations have taken the view that the draft should be further revised, proposing that regulations concerning optional services should be

[1] The United States is a signatory to both treaties. Treaties and other International Acts Series 4390 and 6267, respectively.

[2] Filed as part of the original document.

[3] Minor revisions were made to this document in Spring 1968. Filed as part of the original document.

transferred to the recommendations. The Working Party took note of these views, as did Study Group I, but deferred a decision to the CCITT Plenary Assembly meeting this fall in Argentina.

6. The proposals are contained in Contributions Nos. 60 and 61, submitted by Sweden and Australia, respectively. These are attached hereto as Attachments 3 and 4.[4] Since both proposals relate to removal from the regulations of matter affecting the obligations of a telegraph carrier in furnishing service to the public, the Commission, before advising the Department of State on a United States position to be taken at the forthcoming meetings, desires to afford all interested persons an opportunity to submit their views.

7. Accordingly, pursuant to section 403 of the Communications Act, an inquiry is instituted into the matters set forth above. Persons wishing to comment may do so in writing and should file such comments by August 16, 1968.

Adopted: July 22, 1968.

Released: July 25, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-9213; Filed, July 31, 1968; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

HAMBURG-AMERIKA LINIE AND NORDDEUTSCHER LLOYD

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. F. J. Barry, General Traffic Department, United States Navigation Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Agreement No. 7825-2, between Hamburg-Amerika Linie and Norddeutscher Lloyd modifies the basic agreement to provide that the parties may advertise their respective containership services in the name of Hapag/Lloyd Container Linien (Hapag/Lloyd Container Lines) or alternatively, Hapag/Lloyd. These trade names may be used in advertisements, circulars, documents on ships and container equipment.

Dated: July 29, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9222; Filed, July 31, 1968; 8:49 a.m.]

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to modify an approved exclusive patronage (dual rate) contract filed by:

Mr. Guy L. Retournat, Secretary, Marseilles North Atlantic U.S.A. Freight Conference, 10, Place de la Joliette, Marseilles, 2, France.

There has been filed on behalf of the Marseilles North Atlantic U.S.A. Freight Conference (Agreement No. 5660, as amended) an application to modify its form of merchant's contract pursuant to section 14b of the Shipping Act, 1916. The proposed contract modification adds currency devaluations to those conditions beyond the control of the Conference under which it may suspend the effectiveness of the contract or increase any rate or rates affected thereby in order to meet such conditions on not less than 15 days written notice to the Merchant who retains the right to notify the Conference in writing of his intent to suspend the contract insofar as such increase is concerned.

Dated: July 29, 1968.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Assistant Secretary.

[F.R. Doc. 68-9223; Filed, July 31, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-106]

OHIO FUEL GAS CO.

Notice of Petition To Amend

JULY 25, 1968.

Take notice that on July 15, 1968, The Ohio Fuel Gas Co. (Petitioner), 99 North Front Street, Columbus, Ohio 43215, filed in Docket No. CP68-106 a petition to amend the order of the Commission issued in said docket on February 20, 1968, by deleting certain facilities authorized therein and authorization for the construction and operation of additional facilities on its existing transmission system in the State of Ohio to enable Petitioner to provide increased capacity to serve the growing requirements of existing markets, and to assure adequate market service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner proposes to construct and operate the following natural gas facilities in the State of Ohio:

(1) An addition of 1.3 miles to the previously approved 1.9 miles of 12¾-inch O.D. x 0.203-inch wall pipeline in Miami County, Ohio, looping a section of Line Z-167 serving the Sidney-Piqua market area;

(2) 2.5 miles of 8⅝-inch O.D. x 0.172-inch wall pipeline in Wyandot County, Ohio, replacing a section of 6⅝-inch O.D. Line D-35 serving the Carey market area;

(3) 3.8 miles of 3½-inch O.D. x 0.156-inch wall pipeline in Hardin County, Ohio, replacing 2⅜-inch O.D. Line D-329 serving the Mount Victory market area;

(4) 1.7 miles of 16-inch O.D. x 0.219-inch wall pipeline in Clark County, Ohio, replacing a section of 10¾-inch Line Z-8 serving the Bellefontaine-Urbana market area;

Together with valves, fittings, and incidental facilities necessary for practical operation.

Further, Applicant requests approval for the deletion of the following facilities authorized in its order of February 20, 1968:

(1) Delete the 1.7 miles of 12¾-inch O.D. x 0.203-inch wall pipeline in Muskingum and Coshocton Counties, Ohio, looping an additional section of Line 0-731 serving the Coshocton market area;

(2) Delete the 3 miles of 6⅝-inch O.D. x 0.156-inch wall pipeline in Shelby

[4] Filed as part of the original document.
[5] Chairman Hyde absent, Commissioner Johnson concurring in the result.

County, Ohio, replacing a section of 4½-inch O.D. Line Z–38 serving the Versailles market area.

Applicant also requests that the present limitation on the maximum daily deliveries under firm rate schedules to its customers be increased by 33,640 Mcf per day.

Applicant estimates that total cost of the proposed facilities at approximately $382,000, which cost will be financed by The Columbia Gas System, Inc., its parent company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 19, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–9205; Filed, July 31, 1968; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of Chariton County Exchange Bank, Brunswick, Mo., Citizens Bank of Joplin, Joplin, Mo., and The Citizens Bank, Springfield, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of the following three banks in Missouri: Chariton County Exchange Bank, Brunswick; Citizens Bank of Joplin, Joplin; and The Citizens Bank, Springfield. Applicant presently owns more than 90 percent of the voting shares of Commerce Trust Co., Kansas City, Mo.

As required by section 3(b) of the Act, the Board notified the Commissioner of Finance for the State of Missouri of receipt of the application and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 10, 1968 (33 F.R. 2873), which provided an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, That said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated at Washington, D.C., this 25th day of July 1968.

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68–9163; Filed, July 31, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

JULY 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 July 26, 1968, through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9177; Filed, July 31, 1968; 8:46 a.m.]

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., 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 July 28, 1968, through August 6, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9178; Filed, July 31, 1968; 8:46 a.m.]

[File No. 1–3909]

BSF CO.

Order Suspending Trading

JULY 26, 1968.

The capital stock (66⅔ cents par value) and the 5¾ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. 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 exchanges 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 the said capital stock on such exchanges and in the debenture on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1968, through August 7, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9179; Filed, July 31, 1968; 8:46 a.m.]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 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

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governors Robertson and Daane.

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 July 26, 1968, through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 68-9180; Filed, July 31, 1968; 8:46 a.m.]

[812-2354]

EDUCATORS LIFE SEPARATE ACCOUNT A

Notice of Application for Exemptions

JULY 26, 1968.

Notice is hereby given that Educators Life Separate Account A ("Applicant"), 12444 Victory Boulevard, North Hollywood, Calif., a unit investment trust registered under the Investment Company Act of 1940 15 U.S.C. section 80a-1 et seq. ("Act"), has filed an application pursuant to Section 6(c) of the Act for an order exempting Applicant from the provisions of sections 12(d)(1), 14(a), 22(d), 22(e), 26(a)(2), 26(a)(3), 27(c)(1), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Educators Life Insurance Company of America ("Insurance Company") has established Applicant principally to offer contracts which qualify as tax-deferred annuities under section 403(b) of the Internal Revenue Code. A purchaser makes a series of payments under the contract which are invested (net of deductions for insurance [certain death benefit and mortality guarantees] sales, administrative and other expenses) through Applicant, depending upon the contract purchased, exclusively in the shares of NEA Mutual Fund, Inc. or Horace Mann Fund, Inc. ("Funds"), diversified, open-end, management investment companies.

Commencing upon a maturity date selected by the purchaser, the contracts provide for lifetime annuity payments, either fixed or variable, or other settlement options. The value of a contract will fluctuate as the value of the shares of the Fund credited to such contract fluctuates. If a fixed payment option is elected, the amount of the payments will be determined by the value of the Fund shares at the maturity date of the contract. If a variable payment option is elected, the amount of the initial payment will be determined generally as in the fixed payment option, but subsequent payments will fluctuate as the value of the Fund shares fluctuate. Other factors affecting the amount of the payments are the expected mortality of the purchaser and the type of settlement option elected.

Insurance Company is a stock life insurance company registered under the California Insurance Code. Applicant is administered and accounted for as a part of the business of the Insurance Company, but under the California Insurance Code, the income, gains or losses of Applicant are credited to or charged against the amounts allocated to Applicant in accordance with the terms of the contracts without regard to the other income, gains or losses of the Insurance Company. The Insurance Company has executed on behalf of Applicant a custodian agreement with a bank, pursuant to which the custodian will hold the assets of Applicant for the exclusive benefit of the purchasers of the contracts. All obligations arising under the contracts are general corporate obligations of the Insurance Company, all of the assets of which are available to meet the obligations and expenses under the contracts.

Applicant requests exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), as here pertinent, provides, in substance, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered investment company will, as a result of that purchase own more than 3 percent of the outstanding voting securities of the other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such 3 percent restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Applicant states that the payments under the contracts allocated to Applicant must be invested exclusively in the Funds. Because of the relatively small size of the Funds, it is possible that Applicant may acquire more than 3 percent of the voting stock of one or both of the Funds. Applicant further states that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially identical in all respects relevant to the purchase of securities with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Section 14(a), as here pertinent, provides in substance that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000.

Applicant states that under the provisions of the California Insurance Code only payments made under the contracts may be allocated to the Applicant and that all obligations arising under the contracts, including the promise to make annuity payments, are general corporate obligations of the Insurance Company. Applicant further states that the Insurance Company has ample capital and surplus $2,313,341 as of December 31, 1967) to meet any anticipated expenses of the operation and maintenance of Applicant. In addition, the Insurance Company and Applicant are bound under the provisions of the California Insurance Code and the regulations thereunder and the supervisory authority of the Commissioner of Insurance to perform their contractual obligations under the contracts.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. Applicant requests an exemption from the provisions of section 22(d) to permit its group variable annuity contracts to contain a provision for experience rating credits. Insurance Company will annually determine its experience with respect to sales and administrative costs allocable to and mortality experience under each group contract to determine whether its charges exceeded the actual costs and mortality experience for the prior year. On the basis of such determination, it may provide to the employer or individual participants an experience credit in the form of Fund shares for his share of the excess, if any, of the amounts deducted for such expenses over such actual costs. Such Fund shares will be credited without sales or administrative charge. No additional charge is made if the charges fail to cover the Insurance Company's costs and mortality experience. Applicant further states that it will be unable to determine whether an experience credit rating reflects solely a reduction in sales charge, since it is not feasible to determine what portion of its charges are for sales, administrative, insurance and other expenses, as each group contract presents its own peculiar problems and varying costs.

Sections 22(e) and 27(c)(1), as here pertinent, provide, in substance, that Applicant, a unit investment trust, may not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit Applicant, a unit investment trust issuing periodic payment plan certificates, from selling any such certificate unless such certificate is a redeemable security.

Applicant states that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. On their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicant states that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicant requests exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he should not be able to redeem the value credited to his contract.

Sections 26(a)(2), 26(a)(3), and 27(c)(2), as here pertinent, provide, in substance, that a unit investment trust or a depositor or underwriter for such an investment company is prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other

than the sales load, are deposited with a qualified bank as trustee or custodian and held under an agreement of custodianship. The agreement must provide (i) that the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor appointed, (iii) that the custodian may collect from the income and, if necessary, from the corpus of the unit investment trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the custodian.

Applicant requests exemption from the provisions of sections 26(a)(2), 26(a)(3), and 27(c)(2) because the custodianship agreement which in all other respects meets the requirements of those sections, does not provide that the property of the Applicant will be held in trust. Applicant states that Insurance Company is required under the California Insurance Code to maintain substantial minimum amounts of capital and surplus. In all of its dealings with the purchaser of the contract, Insurance Company will operate as a regulated insurance company, subject to the authority and jurisdiction of the Commissioner of Insurance of the State of California, which authority includes extensive supervisory powers respecting the rehabilitation, liquidation, conservation and dissolution of California insurance companies. Accordingly, Applicant states that such authority and jurisdiction affords the essential protections against the orphanage of the trust by the sponsor which the trusteeship under section 26(a) and 27(c)(2) is designed to provide. Applicant has consented to the requested exemption being subject to the condition that its charges under the contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission may reserve jurisdiction for such purpose.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 12, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon 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 matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9181; Filed, July 31, 1968; 8:46 a.m.]

[File No. 1–1740]

KENNEBEC CONSOLIDATED MINING CO.

Order Suspending Trading

JULY 25, 1968.

The common stock, 1-cent par value, of Kennebec Consolidated Mining Co., being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Kennebec Consolidated Mining Co., 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 Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 26, 1968 through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9184; Filed, July 31, 1968; 8:46 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Leeds Shoes, Inc., Tampa, Fla., and all other securities of Leeds Shoes, Inc., 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 July 29, 1968 through August 7, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9182; Filed, July 31, 1968; 8:46 a.m.]

[812–2353]

LIFE INSURANCE COMPANY OF NORTH AMERICA SEPARATE ACCOUNT A

Notice of Application for Exemption

JULY 26, 1968.

Notice is hereby given that Life Insurance Company of North America Separate Account A ("Applicant"), 1600 Arch Street, Philadelphia, Pa. 19101, a unit investment trust registered under the Investment Company Act of 1940 15 U.S.C. section 80a–1 et seq. ("Act"), has filed an application pursuant to section 6(c) of the Act for an order exempting Applicant from the provisions of sections 12(d)(1), 14(a), 22(d), 22(e), 26(a)(2), 26(a)(3), 27(c)(1), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Life Insurance Company of North America ("Insurance Company") has established Applicant principally to offer contracts which qualify as tax deferred annuities under section 403(b) of the Internal Revenue Code. A purchaser makes a series of payments under the contract which are invested (net of deductions for insurance [certain death benfit and mortality guarantees] sales, administrative and other expenses) through Applicant, depending on the contract purchased, exclusively in the shares of NEA Mutual Fund, Inc., or Horace Mann Fund, Inc. ("Funds"), diversified, open-end management investment companies.

Commencing upon a maturity date selected by the purchaser, the contracts provide for lifetime annuity payments, either fixed or variable, or other settlement options. The value of a contract will fluctuate as the value of the shares of the Fund credited to such contract fluctuates. If a fixed payment option is elected, the amount of the payments will be determined by the value of the Fund shares at the maturity date of the contract. If a variable payment option is elected, the amount of the initial payment will be determined generally as in

the fixed payment option, but subsequent payments will fluctuate as the value of the Fund shares fluctuate. Other factors affecting the amount of the payments are the expected mortality of the purchaser and the type of settlement option elected.

Insurance Company is a stock life insurance company organized under the laws of the State of Pennsylvania. Applicant is administered and accounted for as a part of the business of the Insurance Company, but under the Pennsylvania Insurance Code, the income, gains or losses of Applicant are credited to or charged against the amounts allocated to Applicant in accordance with the terms of the contracts without regard to the other income, gains or losses of the Insurance Company. The Insurance Company has executed on behalf of Applicant a custodian agreement with a bank, pursuant to which the custodian will hold the assets of Applicant for the exclusive benefit of the purchasers of the contracts. All obligations arising under the contracts are general corporate obligations of the Insurance Company, all of the assets of which are available to meet the obligations and expenses under the contracts.

Applicant requests exemption from the following provisions of the Act to the extent stated below:

Section 12(d)(1), as here pertinent, provides, in substance, that it shall be unlawful for any registered investment company to purchase any security issued by any other investment company if such registered investment company will, as a result of that purchase own more than 3 percent of the outstanding voting securities of the other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such 3 percent restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Applicant states that the payments under the contracts allocated to Applicant must be invested exclusively in the Funds. Because of the relatively small size of the Funds, it is possible that Applicant may acquire more than 3 percent of the voting stock of one or both of the Funds. Applicant further states that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially identical in all respects relevant to the purchase of securities with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Section 14(a), as here pertinent, provides in substance that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000.

Applicant states that under the provisions of the Pennsylvania Insurance Code only payments made under the contracts may be allocated to Applicant and that all obligations arising under the contracts, including the promise to make annuity payments, are general corporate obligations of the Insurance Company. Applicant further states that the Insurance Company has ample capital and surplus ($24,469,449 as of Dec. 31, 1967) to meet any anticipated expenses of the operation and maintenance of Applicant. In addition, the Insurance Company and Applicant are bound under the provisions of the Insurance Code of Pennsylvania and the regulations thereunder and the supervisory authority of the Commissioner of Insurance to perform their contractual obligations under the contracts.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. Applicant requests an exemption from the provisions of section 22(d) to permit its group variable annuity contracts to contain a provision for experience rating credits. Insurance Company will annually determine its experience with respect to sales and administrative costs allocable to and mortality experience under each group contract to determine whether its charges exceeded the actual costs and mortality experience for the prior year. On the basis of such determination, it may provide to the employer or individual participants an experience credit in the form of Fund shares for his shares of the excess, if any, of the amounts deducted for such expenses over such actual costs. Such Fund shares will be credited without sales or administrative charge. No additional charge is made if the charges fail to cover the Insurance Company's costs and mortality experience. Applicant further states that it will be unable to determine whether an experience credit rating reflects solely a reduction in sales charge, since it is not feasible to determine what portion of its charges are for sales, administrative, insurance, and other expenses, as each group contract presents its own peculiar problems and varying costs.

Sections 22(e) and 27(c)(1), as here pertinent, provide, in substance, that Applicant, a unit investment trust, may not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit Applicant, a unit investment trust issuing periodic payment plan certificates, from selling any such certificate unless such certificate is a redeemable security.

Applicant states that prior to their maturity dates the contracts are redeemable and satisfy the redemption provisions of the Act. On their respective maturity dates, the then value of the contracts is determined and applied to provide for lifetime annuity payments of either fixed or variable amounts. Applicant states that because the amount of annuity payments under the variable option are calculated actuarially, based upon the life expectancies of the purchasers of the contracts, if a purchaser were permitted to redeem his contract after the maturity date, it would upset the actuarial computations made with respect to the remaining purchasers. Applicant requests exemption from sections 22(e) and 27(c)(1) to the extent that once a purchaser begins to receive annuity payments he should not be able to redeem the value credited to his contract.

Sections 26(a)(2), 26(a)(3), and 27(c)(2), as here pertinent, provide, in substance, that a unit investment trust or a depositor or underwriter for such an investment company is prohibited from selling periodic payment plant certificates unless the proceeds of all payments, other than the sales load, are deposited with a qualified bank as trustee or custodian and held under an agreement of custodianship. The agreement must provide (i) that the custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust, (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor appointed, (iii) that the custodian may collect from the income and, if necessary, from the corpus of the unit investment trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the custodian.

Applicant requests exemption from the provisions of sections 26(a)(2), 26(a)(3), and 27(c)(2) because the custodianship agreement, which in all other respects meets the requirements of those Sections, does not provide that the property of the Applicant will be held in trust. Applicant states that Insurance Company is required under the Pennsylvania Insurance Code to maintain substantial minimum amounts of capital and surplus. In all of its dealings with the purchaser of the contract, Insurance Company will operate as a regulated insurance company subject to the authority and jurisdiction of the Commissioner of Insurance of the State of Pennsylvania, which authority includes extensive supervisory powers respecting the rehabilitation, liquidation, conservation and dissolution of Pennsylvania insurance companies. Accordingly, Applicant states that such authority and jurisdiction affords the essential protections against the orphanage of the trust by the sponsor which the trusteeship under section 26(a) and 27(c)(2) is designed to provide. Applicant has consented to the requested exemption being subject to the condition that its charges under the contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission may reserve jurisdiction for such purpose.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent

that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 12, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon 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 matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9183; Filed, July 31, 1968; 8:46 a.m.]

NATIONAL SWEEPSTAKES CORP.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Sweepstakes Corp., 555 East Fourth South, Salt Lake City, Utah, 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 July 27, 1968, through August 5, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9185; Filed, July 31, 1968; 8:47 a.m.]

PARAMOUNT GENERAL CORP.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Paramount General Corp., Los Angeles, Calif., and all other securities of Paramount General Corp. 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 July 27, 1968, through August 5, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68–9186; Filed, July 31, 1968; 8:47 a.m.]

[812–2343]

STRUTHERS CAPITAL CORP.

Notice of Filing of Application for Exemption

JULY 25, 1968.

Notice is hereby given that Struthers Capital Corp. ("applicant"), 630 Fifth Avenue, New York, N.Y. 10020, a New York corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940, 15 U.S.C. section 80a–1 et seq. ("Act"), for an order exempting it from all provisions 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.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant, all of the capital stock of which is owned by Struthers Wells Corp. ("Struthers"), was formed by Struthers in April 1968 for the purpose of acquiring the business and assets of Developers Small Business Investment Corp. ("Developer"), a New Jersey corporation licensed under the Small Business Investment Act of 1958 ("SBIA") and a registered closed-end nondiversified investment company. Applicant has applied to the U.S. Small Business Administration ("SBA") for a license to operate as a small business investment company under the SBIA.

Struthers had outstanding at April 1, 1968, 2,060,528 shares of common stock, which is traded on the American Stock Exchange, and 82,533 shares of preferred stock. It has approximately 3,850 common stockholders and 530 preferred stockholders.

Under the terms of an agreement between Struthers and Developers dated March 11, 1968, applicant proposes to acquire all of the assets and business of Developers and assume substantially all of the liabilities of Developers in exchange for 120,238 shares of the common stock of Struthers, having an aggregate market value of approximately $2,404,760 at the time the agreement was executed. The number of shares to be delivered to Developers is subject to reduction by one share of Struthers stock for every five shares of Developers capital stock, the holders of which shall have filed objection to the transaction and demanded payment for their shares in accordance with the rights of dissenting stockholders under New Jersey law. After the exchange, the Struthers stock would be distributed to Developers' shareholders, and Developers be liquidated.

After the transaction is completed, applicant will be an "investment company" as defined in section 3(a) of the Act. Section 3(b)(3) of the Act excepts from the definition of investment company any issuer all of the outstanding securities of which (other than short-term paper and directors' qualifying shares) are owned by a company primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. Applicant represents that Struthers is engaged, and intends to engage, primarily in businesses other than investing, reinvesting, owning, holding or trading in securities and that applicant upon consummation of the proposed transaction would be excepted from status as an investment company, pursuant to section 3(b)(3), except for the fact that it will assume $2,073,000 principal amount of indebtedness of Developers represented by subordinated notes and debentures held by the SBA. Applicant asserts that there is no public interest in regulating applicant under the Act solely on the basis of such debt not held by Struthers, since the SBA is in a position under the provisions of the SBIA amply to protect itself with respect to this investment.

Applicant has agreed that an order granting the application may be based upon conditions providing that no person other than Struthers or the SBA shall at any time own any security of applicant (other than short-term paper) and providing for the periodic filing with the Commission of certain financial and other information concerning applicant and Struthers.

Struthers is engaged in the engineering, design and manufacture of equipment for use in chemical and fertilizer plants, conventional and nuclear power generation units and petroleum refining process plants. In addition, majority-owned or wholly owned subsidiaries of

Struthers are engaged in the engineering and manufacturing of equipment packages for secondary oil recovery and steam and hot water extraction of sulphur; the engineering and manufacturing of microwave components, test equipment and subsystems; as well as certain other activities, including development projects and businesses in a developmental stage. Struthers and its subsidiaries employ over 1100 persons. At the end of its last fiscal year, November 30, 1967, Struthers and its subsidiaries had total assets on a consolidated basis of approximately $24,900,000. Struthers concluded that diversification into the SBIC field, as an adjunct to its present operations, would allow it to use certain of its existing management and technical resources to assist applicant in the infusion of venture capital into new industries.

Notice is further given that any interested person may, not later than August 8, 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 reasons 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon 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 postponments thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9187; Filed, July 31, 1968; 8:47 a.m]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JULY 25, 1968.

The common stock, 10-cent 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 July 26, 1968, through August 4, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9188; Filed, July 31, 1968; 8:47 a.m.]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

JULY 26, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 28, 1968, through August 6, 1968, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 68-9189; Filed, July 31, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1204]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 26, 1968.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247 (d) (4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2202 (Sub-No. 351), filed July 17, 1968. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: Robert H.

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's regular-route authority to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky.

No. MC 2986 (Sub-No. 30), filed July 15, 1968. Applicant: I & S McDANIEL, INC., 1102 Prairie Street, Vincennes, Ind. 47591. Applicant's representatives: Lesow and Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's presently authorized regular routes into and out of Louisville, Ky. NOTE: Applicant states it will tack with its presently held authority to enable service to Terre Haute, Ind.; Danville, and Chicago, Ill.; Cincinnati, Ohio; and Indianapolis and Evansville, Ind. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 11207 (Sub-No. 276), filed July 17, 1968. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 1271, Birmingham, Ala. 35201. Applicant's representatives: Paul M. Daniell and Bill R. Davis, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Alabama, Georgia, Florida, Mississippi, Arkansas, Louisiana, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, and Missouri and Tennessee; (2) *material* used in the manufacture and distribution of composition boards, except in bulk, from points in (1) above, to points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 17002 (Sub-No. 43) (Amendment), filed September 26, 1967, published FEDERAL REGISTER issue of October 12, 1967, amended July 17, 1968, and republished as amended this issue. Applicant: CASE DRIVEWAY, INC., 6001 U.S. Route 60, East, Huntington, W. Va. 25714. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Huntington, W. Va., to points in Connecticut, Delaware, Georgia (except Atlanta, Brunswick, and Woodbine), Idaho, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Michigan on and south of Michigan Highway 21, North Carolina, North Dakota, Rhode Island, South Carolina, Tennessee, Utah, Washington, and Nebraska. NOTE: Applicant states it intends to tack the proposed authority at Huntington, W. Va., with other presently held authorized authority serving points in Kentucky, Virginia, West Virginia, Pennsylvania, and Ohio. The purpose of this republication is to delete the exceptions from commodity description. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., Cincinnati, Ohio, or Chicago, Ill.

No. MC 28536 (Sub-No. 14), filed July 17, 1968. Applicant: FOX & GINN, INC., 12 Howard Lane, Bangor, Maine 04401. Applicant's representatives: Roland Rice and Richard R. Sigmon, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, new furniture, uncrated, commodities in bulk, and those requiring special equipment), between Livermore Falls and Farmington, Maine, over Maine Highway 4, serving all intermediate points and the off-route point of Dryden, Maine. NOTE: Applicant states it proposes to use the above-sought authority in conjunction with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Augusta or Portland, Maine.

No. MC 29079 (Sub-No. 46), filed July 15, 1968. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and liquid commodities in bulk), between the plantsite of the Ford Motor Co. located at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and St. Louis, Mo., and points in that part of Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 35628 (Sub-No. 289), filed July 15, 1968. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, near Louisville, Ky, as an off-route point in connection with applicant's regular-route operations to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich, or Louisville, Ky.

No. MC 42487 (Sub-No. 695), filed July 15, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, 7101 South Cicero Avenue, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Grinnell Corp., located at or near Hampton, in Reading Township, Adams County, Pa., as an off-route point in connection with applicant's presently authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 43421 (Sub-No. 39), filed July 15, 1968. Applicant: DOHRN TRANSFER COMPANY, a corporation, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 46280 (Sub-No. 66), filed July 18, 1968. Applicant: DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co. located at the junction of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's authorized regular-route operations serving Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 51146 (Sub-No. 103), filed July 15, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products: products produced or distributed by manufacturers and converters of paper and paper products;* (except commodities in bulk, in tank or hopper type vehicles), from points in Brown, Marinette, Outagamie, Shawano, and Winnebago Counties, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *materials and supplies* used in the manufacture and distribution of the above-described commodities (except commodities in bulk, in tank or hopper type vehicles), and returned and rejected shipments, from the destination points in No. (1) above, to points in Brown, Marinette, Outagamie, Shawano, and Winnebago Counties, Wis. NOTE: Application states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52523 (Sub-No. 3), filed July 11, 1968. Applicant: LEONARD SCHERTZER, doing business as SCHERTZER TRUCKING CO., 94 Sycamore Street, Carteret, N.J. 07008. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages and empty carbonated beverage containers*, between Brooklyn, N.Y., on the one hand, and, on the other, points in that part of New Jersey, New York, Pennsylvania, Delaware, Maryland, Connecticut, and Massachusetts within 150 miles of Brooklyn, N.Y., under contract with Myer 1890 Beverages. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 52953 (Sub-No. 35), filed July 12, 1968. Applicant: ET&WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: James H. Epps III, 2101 North Roan Street, Johnson City, Tenn. 37601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, in tank vehicles, commodities requiring special equipment and those injurious or contaminating to other lading), between Jackson, Tenn., and plantsite of Grinnell Corp., located near Henderson, Tenn., over U.S. Highway 45, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 59135 (Sub-No. 21), filed July 12, 1968. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 24–50 Wright Avenue, Auburn, N.Y. 13021. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C. 20005, and Harold L. Copp, Red Star Express Lines, 24–50 Wright Avenue, Auburn, N.Y. 13021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion, anodes or strip*, from Perth Amboy and Newark, N.J., New York, N.Y., and Fairfield, Conn., to Oneida and Sherrill, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 59154 (Sub-No. 12), filed July 16, 1968. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Business forms and materials and supplies* used or useful in their manufacture, serving the plantsite of Moore Business Forms, Inc., at or near Thurmont, Md., as an off-route point in connection with applicant's presently authorized regular-route operations between Washington, D.C., and Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59206 (Sub-No. 19), filed July 15, 1968. Applicant: HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich. 49423. Applicant's representative: Kirkwood Yockey, Suite 501 Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's existing regular-route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Louisville, Ky.; or Lansing, Mich.

No. MC 61592 (Sub-No. 118), filed July 15, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chains and parts*, from points in Lee County, Ill., to points in Iowa, Kansas, Minnesota, New York, Pennsylvania, and Wisconsin, and points on the international boundary between the United States and Canada; (2) *materials, supplies, and equipment* used in the manufacture of chains and parts, from the destination points in (1) above to points in Lee County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 62288 (Sub-No. 5), filed July 17, 1968. Applicant: JAMES P. ANAGNOS, South Willow Street, Londonderry, N.H. 03053. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Powdered pumice*, in bulk, in dump vehicles, from Portsmouth, N.H., to points in Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island, under contract with Pumice Aggregate Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Concord, N.H.

No. MC 64112 (Sub-No. 39), filed July 18, 1968. Applicant: NORTHEASTERN TRUCKING COMPANY, a corporation, 2508 Starita Road, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: John M. Dunn, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Newark, N.J., to Bristol, Va., and Norton, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 67200 (Sub-No. 31), filed July 15, 1968. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., Furniture Row, Milford, Conn. 06461. Applicant's Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, *lamps and grass matting*, between points in Orange County, Fla., on the one hand, and, on the other, points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando or Miami, Fla.

No. MC 67866 (Sub-No. 23), filed July 12, 1968. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Memphis, Tenn. 38126. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and livestock, over irregular routes, between Memphis, Tenn., and points in its commercial zone, except those in Mississippi, on the one hand, and, on the other, points in Kentucky, (1) on U.S. Highway 51 between Fulton and Clinton, Ky., (2) on Kentucky Highway 94 between junction U.S. Highway 51 and the Kentucky-Tennessee State line, (3) on U.S. Highway 45 between Fulton and Paducah, Ky., (4) on U.S. Highway 641 between the Kentucky-Tennessee State line and junction U.S. Highway 68, (5) on U.S. Highway 68 between junction U.S. Highway 641 and Paducah, Ky., and (6) including the terminals as described above. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 67866 (Sub-No. 24), filed July 12, 1968. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Memphis, Tenn. 38126. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and livestock, between Memphis, Tenn., and points in its commercial zone, except those in Arkansas and Mississippi, on the one hand, and, on the other; (1) points in Alabama on U.S. Highway 72 between the Mississippi-Alabama State line and Florence, Ala., including Florence; and, (2) Red Bay and Hamilton, Ala. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. NOTE: Applicant states it intends to tack at points in the Memphis, Tenn., commercial zone (except those points located in Arkansas and Mississippi), with its present authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 67866 (Sub-No. 25), filed July 12, 1968. Applicant: FILM TRANSIT, INC., 291 Hernando Street, Memphis, Tenn. 38126. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and livestock), between Memphis, Tenn., and points in its commercial zone (except those in Mississippi), on the one hand, and, on the other, (1) points in Missouri, within an area beginning at the intersection of U.S. Highway 61 and the Arkansas-Missouri State line, westwardly along the State line to the St. Francis River, thence along the St. Francis River to its intersection with U.S. Highway 62, thence along U.S. Highway 62 to its intersection with U.S. Highway 61, thence along U.S. Highway 61 to its intersection with the Arkansas-Missouri State line; and (2) New Madrid, Lilbourn, and Caruthersville, Mo. restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 108 inches in length and girth combined. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day. NOTE: Applicant states it could tack at points in the Memphis, Tenn., commercial zone (except those points in Mississippi) with any of its presently held authorities. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 69833 (Sub-No. 95), filed July 15, 1968. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane, Jefferson County, Ky., as an off-route point in connection with carrier's authorized regular-route operation to and from Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Louisville, Ky.

No. MC 76025 (Sub-No. 9) (Amendment), filed June 17, 1968, published in FEDERAL REGISTER issue of July 4, 1968, and republished as amended this issue. Applicant: OVERLAND EXPRESS, INC. Post Office Box 2667, 498 First Street NW., New Brighton, Minn. 55112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and advertising materials*, from (1) points in Cottonwood, Dakota, Douglas, Freeborn, Goodhue, Hennepin, Jackson, Meeker, Olmstead, Pine, Ramsey, Rice, Waseca, and Washington Counties, Minn.; and (2) from points in Clark, Chippewa, Columbia, Eau Claire, Green, Juneau, Marathon, Sauk, Trempealeau, and Wood Counties, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, and the District of Columbia, under a continuing contract or contracts with Land O'Lakes Creameries, Inc., of Minneapolis, Minn. NOTE: The purpose of this republication is to add Hennepin County, Minn., to the origin points in No. (1) above. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 83217 (Sub-No. 35), filed July 15, 1968. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Avenue, Sioux Falls, S. Dak. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Minnesota, North Dakota, and South Dakota, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95224 (Sub-No. 4), filed July 15, 1968. Applicant: R. COMEAU, INC., Lime Street, Adams, Mass. 01220. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Adams, Mass., to points in Connecticut, Maine, New Hampshire, New York, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsfield or Springfield, Mass., Hartford, Conn., or Albany, N.Y.

No. MC 97699 (Sub-No. 26) (Correction) filed July 1, 1968, published in FEDERAL REGISTER issue of July 25, 1968, and republished, as corrected this issue. Applicant: BARBER TRANSPORTATION CO., a corporation, 321 Sixth Street, Rapid City, S. Dak. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chamberlain and Sioux Falls, S. Dak.; (1) from Chamberlain over U.S. Highway 16 to Sioux Falls,

S. Dak., and return over the same route, serving no intermediate points; (2) from Chamberlain over U.S. Highway 16 to junction South Dakota Highway 38 at Alexandria, S. Dak., thence over South Dakota Highway 38 to Sioux Falls, S. Dak., and return over the same route serving no intermediate points; and (3) from Chamberlain, S. Dak., over U.S. Highway 16 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 29, thence south over Interstate Highway 29 to Sioux Falls, S. Dak., and return over the same route serving no intermediate points. NOTE: The purpose of this republication is to correctly show in the route description in (1) above serving no intermediate points, in lieu of serving all intermediate points. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 100666 (Sub-No. 120), filed July 12, 1968. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories used in the installation thereof*, from points in Henry County, Tenn., to points in South Carolina, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Texas, Oklahoma, Kansas, Colorado, New Mexico, Georgia, Kentucky, Indiana, Illinois, Wyoming, Nebraska, Iowa, North Dakota, South Dakota, Montana, and Tennessee; and, (2) *materials used in the manufacture and distribution of composition boards* (except commodities in bulk), from points in South Carolina, Mississippi, Alabama, Florida, Louisiana, Arkansas, Missouri, Texas, Oklahoma, Kansas, Colorado, New Mexico, Georgia, Kentucky, Indiana, Illinois, Wyoming, Nebraska, Iowa, North Dakota, South Dakota, and Montana, to points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 103051 (Sub-No. 219), filed July 15, 1968. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Crittenden County, Ark., and Shelby County, Tenn., to points in Alabama, Arkansas, Kentucky, Mississippi, Missouri, and Tennessee. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 103654 (Sub-No. 137), filed July 17, 1968. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch, blends of starch, corn products, and blends of corn products and corn products blended with other products*, moving in bulk, from points in Minnesota to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 105413 (Sub-No. 31) (Amendment), filed February 9, 1968, published FEDERAL REGISTER issues of February 22, 1968, and March 14, 1968, amended July 11, 1968 and republished as amended this issue. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway No. 275, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers and fertilizer materials* derived from petroleum and petroleum products, in bulk, from the warehouse and storage facilities of Terra Chemicals International, Inc., Air Park West, Lincoln, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, restricted to traffic originating at the warehouse or storage facilities of Terra Chemicals International, Inc., Air Park West, Lincoln, Nebr., and destined to the named destination States. NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 107295 (Sub-No. 123), filed July 15, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards* (including wallboard, insulation board, fiberboard, pulpboard, ceiling tile) *and parts, materials, and accessories*, incidental to the installation thereof, from the plantsite of the Flintkote Co. at Meridian, Miss., to points in Kansas, Louisiana, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., St. Louis, Mo., or Washington, D.C.

No. MC 107871 (Sub-No. 58), filed July 15, 1968. Applicant: BONDED FREIGHTWAYS INC., 441 Kirkpatrick Street West, Syracuse, N.Y. 13204. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, in a coordinated rail-motor service, from the FlexiFlo rail-motor interchange terminals of the Pennsylvania New York Central Transportation Co. in the State of New York to points in the State of New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse, or New York, N.Y., or Washington, D.C.

No. MC 107906 (Sub-No. 23), filed July 17, 1968. Applicant: TRANSPORT MOTOR EXPRESS, INC., Post Office Box 958, Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 108393 (Sub-No. 14), filed July 11, 1968. Applicant: SIGNAL DELIVERY SERVICE, INC., 782 Industrial Drive, Elmhurst, Ill. 60126. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, articles and commodities as are dealt in by mail order houses and retail stores, and in connection therewith, such equipment, materials, and supplies used in the conduct of such business, including returned shipments*, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Ashtabula, Trumbull, and Mahoning Counties, Ohio, and points in Crawford, Mercer, Verango, Lawrence, Butler, and Beaver Counties, Pa., under contract with Sears, Roebuck & Co. NOTE: Applicant also holds authority as a common carrier of property in MC 118459. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109637 (Sub-No. 343), filed July 15, 1968. Applicant: SOUTHERN TANK LINES, INC., Post Office Box 1047, 4107 Bells Lane, Louisville, Ky. 40201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup, coloring* (caramel), in bulk, in tank vehicles, from Louisville, Ky., to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111594 (Sub-No. 35), filed July 15, 1968. Applicant: C. W. TRANSPORT, INC., High Street, Wisconsin

Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 111611 (Sub-No. 21), filed July 17, 1968. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. 17044. Applicant's representative: John E. Fullerton and Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Strinestown, Emigsville, and York, Pa. as off-route points in connection with applicant's regular route operations between Lewistown and Philadelphia, Pa., for the purpose of interchange of traffic only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 186), filed July 15, 1968. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude and refined vegetable oil*, in bulk, in tank vehicles, from points in Lowndes and Colquitt Counties, Ga., to points in Georgia Florida, Alabama, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, Kentucky, West Virginia, Virginia, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 113362 (Sub-No. 151), filed July 15, 1968. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantsite and storage facilities of Charms Co. at Bloomfield, N.J., to Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 140), filed July 15, 1968. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greenfield, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113843 (Sub-No. 141), filed July 15, 1968. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, teething biscuits, cookies, pretzels, baby supplies, and incidental nursery accessories*, from the plantsites of The Gerber Products Co. at Rochester, N.Y., to Providence, R.I., points in Connecticut, Massachusetts, New Hampshire, Vermont, and points in that part of Maine on and south of Maine Highway 25. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114115 (Sub-No. 15), filed July 15, 1968. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. Applicant's representatives: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Products used in agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries*, when shipped in mixed shipments with salt and salt products: (1) From Fairport, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (2) from Rittman, Ohio, to points in Delaware, Maryland, New Jersey (except points in New Jersey in the Philadelphia, Pa., commercial zone, as defined by the Commission, and the New York, N.Y., commercial zone, as defined by the Commission), and Kentucky (except Covington, Louisville, and Newport, Ky.); (3) from ports of entry on the international boundary of the United States and Canada, located on the St. Marys, St. Clair, Detroit, Niagara, and St. Lawrence Rivers, Saginaw Bay, and on the Lakes of St. Clair, Ontario, Erie, Huron, Superior, and Michigan (except Wisconsin ports on Lake Michigan and Wisconsin and Minnesota ports on Lake Superior), to points in Delaware, Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; (4) between points in Ohio (except those in Ashtabula, Columbiana, Cuyahoga, Geauga, Mahoning, Portage, Summit, and Trumbull Counties, Ohio); (5) betweeen points in West Virginia; (6) between points in Kentucky; (7) between points in Michigan (except from Detroit and Port Huron, Mich., to points in the Lower Peninsula of Michigan); under a continuing contract, or contracts, with Morton International, Inc., of Chicago, Ill. NOTE: If a hearing is deeemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 115003 (Sub-No. 5) (Correction), filed May 17, 1968, published in FEDERAL REGISTER issue of June 5, 1968, and republished as corrected this issue. Applicant: RED RIVER TRUCKING COMPANY, a corporation, Post Office Box 247, Commerce, Tex. 76442. Applicant's representative: James W. Hightower, 136 Wynnwood Professional Building, Dallas, Tex. 25224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, rip rap, rock, sand, gravel, caliche, crushed limestone, agricultural lime, iron ore, and flexible base*, in dump vehicles, (1) from points in Bryan, Choctaw, and McCurtain Counties, Okla., to points in Delta, Franklin, Rockwall, Kaufman, Rains, Wood, Upshur, Van Zandt, Smith, Gregg, Rusk, Henderson, Cherokee, and Shelby Counties, Tex., (2) from points in McCurtain County, Okla., to points in Bowin, Camp, Cass, Harrison, Marion, Morris, Panola, Red River, and Titus Counties, Tex., and (3) from points in Choctaw County, Okla., to points in Camp, Hopkins, Hunt, and Titus Counties, Tex. NOTE: Applicant states no duplicating authority is being sought. The purpose of this republication is to reflect "Rusk" County, in (1) above, inadvertently shown as "Rush" in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Oklahoma City, Okla.

No. MC 115162 (Sub-No. 157), filed July 16, 1968. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Suite 2023–2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition boards and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in Alabama, Florida, Georgia, Illinois, Iowa, Indiana, Ohio, Wisconsin, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Tennessee, Louisiana, Mississippi, Virginia, West Virginia, Pennsylvania, and Kansas, and (2) *materials* used in the manufacture and distribution of composition boards from points in Alabama, Florida, Georgia, Illinois, Iowa, Indiana, Ohio, Wisconsin Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Tennessee, Louisiana, Mississippi, Virginia, West Virginia, Pennsylvania, and Kansas, to

points in Henry County, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No MC 115322 (Sub-No. 56), filed June 27, 1968. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, frozen and unfrozen, and *frozen foods*, from points in Florida to Detroit, Mich., as a port of entry to the Province of Ontario, Canada as presently authorized. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115331 (Sub-No. 256), filed July 18, 1968. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63111. Applicant's representative: Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk from Herculaneum, Mo., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, Michigan, Arkansas, Illinois, Kansas, Nebraska, Oklahoma, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 115669 (Sub-No. 92), filed July 17, 1968. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and bentonite products*, from Colony, Wyo., to points in California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116077 (Sub-No. 240), filed July 15, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Houston, Tex., to points in Louisiana, Arkansas, Oklahoma, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116077 (Sub-No. 241), filed July 15, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea, dry fertilizer, and dry fertilizer materials*, from the plant site of Nipak, Inc., near Kerens, Tex., to points in Oklahoma, Kansas, Missouri, Nebraska, Colorado, New Mexico, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 116544 (Sub-No. 93), filed July 15, 1968. Applicant: WILSON BROS. TRUCK LINES, INC., Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Logansport, Ind., to points in Oklahoma, Texas, Arkansas, and Louisiana, restricted to the transportation of Wilson & Co., Inc., traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 134), filed July 15, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared and preserved foodstuffs*, from points in Wilson County, N.C., to points in Alabama, Arkansas, Connecticut, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Wisconsin, and Vermont. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 117088 (Sub-No. 1), filed July 15, 1968. Applicant: ASPHALT TRANSPORT, INC., Post Office Box 10416, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and bags, from Echo (Orange County), Tex., to points in Louisiana. NOTE: If hearing is deemed necessary, applicant request it be held at New Orleans, La.

No. MC 117568 (Sub-No. 2), filed July 8, 1968. Applicant: KEMPT TRUCK LINES, INC., Post Office Box 1047, Joplin, Mo. 64801. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and ingredients, urea and urea products*, dry, in bulk or in packages; (a) from Gulf Oil Corp. plant at or near Donaldsonville, La. (Faustina Works), to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Texas; (b) from Gulf Oil Corp. plant, terminal, and/or storage facilities in Kansas City, Mo.-Kansas City, Kans., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska, and Oklahoma, (c) from Gulf Oil Corp. plant, terminal, and/or storage facilities in Cairo, Ill., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Tennessee; and (d) from Gulf Oil Corp. plant, terminal, and/or storage facilities in Little Rock, Pine Bluff, and Fort Smith, Ark., to points in Arkansas, Illinois, Iowa, Kansas, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, under contract with Gulf Oil Corp. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117574 (Sub-No. 173), filed July 17, 1968. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: G. K. Bishop (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and materials and accessories* used in the installation thereof, from Henry County, Tenn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials* used in the manufacture and distribution of composition board (except in bulk), from points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to points in Henry County, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 174), filed July 17, 1968. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr., Post Office Box 39, Carlisle, Pa. 17013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and food processing, handling, and packaging machinery, equipment, materials, and supplies* which because of size, weight, or bulk, require special equipment or special handling and (2) *commodities named in (1) above* which do not require special equipment or special handling, only when moving as part of the same shipment and in the same vehicle with commodities named in (1) above which because of size, weight, or bulk do require special equipment or special handling, between points in the United States (excluding

Alaska and Hawaii. NOTE: Applicant indicates tacking possibilities with its existing authority wherein it is authorized to serve points in Pennsylvania, Vermont, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Florida, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117823 (Sub-No. 33), filed July 15, 1968. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 240 West California Avenue, Salt Lake City, Utah 84115. Applicant's representative: Lon Rodney Kump, 720 Newhouse Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cream and cream substitutes*, in mechanically refrigerated vehicles, from Gustine, Calif., to points in Nevada, Utah, Idaho, Montana, Wyoming, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 118282 (Sub-No. 13) (Correction), filed May 6, 1968, published in FEDERAL REGISTER issues of May 30, 1968, and June 20, 1968, and republished as corrected, this issue. Applicant: JOHNNY BROWN'S, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Horticultural supplies* (2) *nursery supplies and such commodities* as are sold, used, and dealt in by nurseries when moving in the same vehicle with commodities named in (1) above, and (3) the transportation of *commodities* named in (1) or (2) above when moving in the same vehicles with canned goods or commodities exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, between points in Florida on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant holds contract authority in MC 125811, therefore dual operations may be involved. The purpose of this republication is to show section 203(b)(6) in lieu of 206(b)(6) as previously published. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118282 (Sub-No. 16), filed July 15, 1968. Applicant: JOHNNY BROWN'S INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Archie B. Culbreth and Guy H. Postell, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and frozen foods* (except hanging meat), from New York, N.Y., to points in Virginia (except points in Virginia east of the Chesapeake Bay). NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118959 (Sub-No. 35), filed July 15, 1968. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: A. S. Dunn, 3805 Mobile Highway Pensacola, Fla. 32505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, equipment and supplies used in the manufacture and processing of paper and paper products*, except commodities in bulk and those requiring special equipment because of size or weight, between the plantsite and warehouse facilities of West Virginia Pulp and Paper Co. at or near Wickliffe, Ky., on the one hand, and, on the other, points in Florida, Louisiana, Kentucky, Alabama, North Carolina, South Caroline, Illinois, Ohio, Virginia, West Virginia, Massachusetts, Michigan, Wisconsin, Minnesota, Iowa, New York, Pennsylvania, Indiana, Georgia, Texas, Tennessee, Mississippi, and Missouri. NOTE: Applicant has contract carrier authority in MC 125664 and Sub 26 thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill., or Washington, D.C.

No. MC 119160 (Sub-No. 2), filed July 15, 1968. Applicant: H. E. SPANN AND COMPANY, INC., Post Office Box 1111, Mount Pleasant, Tex. 75455. Applicant's representative: Dan Felts and Wallace H. Nations, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in sacks, from points in Miller County, Ark., to points in Texas, Arkansas, Oklahoma, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 119934 (Sub-No. 150), filed July 18, 1968. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Buffalo, N.Y., to Sylacauga, Ala. NOTE: Applicant holds contract carrier authority under MC 128161, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 119968 (Sub-No. 3), filed July 15, 1968. Applicant: A. J. WEIGAND, INC., 1046 Tuscarawas Avenue, Dover, Ohio 44622. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles and equipment and supplies used or useful in the production and distribution of such articles*, between Mansfield, Ohio, on the one hand, and, on the other, points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124206 (Sub-No. 3), filed July 11, 1968. Applicant: BARRY CARTAGE, INC., 120 East National Avenue, Milwaukee, Wis. 53204. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Wauwatosa, Wis., to points in that part of Minnesota located on and east of Minnesota Highway 15 from the Iowa-Minnesota State line, to its junction with Minnesota Highway 95 at or near St. Cloud, Minn., and on and south of Minnesota Highway 95 from St. Cloud, Minn., to the Minnesota-Wisconsin State line, under contract with Roundy's Inc., of Wauwatosa, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124211 (Sub-No. 117), filed July 10, 1968. Applicant: HILT TRUCK LINE, INC., 2648 Cornhusker Highway, Post Office Box 824, Lincoln, Nebr. 68501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodle, grain products, foodstuffs* (except meats, and packinghouse products), *pancake and cake flour, spaghetti and vermicelli*, between Sioux City, Iowa, on the one hand, and, on the other, points in the United States (except Hawaii). Restriction: The authority sought herein to the extent it duplicates any authority heretofore granted to or now held by applicant shall not be construed as conferring more than one operating right servable by sale or otherwise. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Washington, D.C.

No. MC 124324 (Sub-No. 12), filed July 15, 1968. Applicant: MURHPY TRUCKING CO., INC., Denver, Ind. Applicant's representative: Alki E. Scopelitis, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Joliet, Ill., to points in Indiana, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 124692 (Sub-No. 53), filed July 17, 1968. Applicant: SAMMONS TRUCKING, a corporation, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Idaho and Montana to points in Colorado and Utah. NOTE: Applicant states that the proposed authority could be tacked

with its present authority under (Sub-12) at points in Montana to perform a circuitous service to points in Utah and Colorado, also, its authority under (Sub-16) could be tacked at points in Wyoming to perform a circuitous service to points in Colorado. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Missoula, Mont.

No. MC 124947 (Sub-No. 6), filed July 12, 1968. Applicant: MACHINERY TRANSPORTS, INC., 617 Chicago Street, East Peoria, Ill. 61611. Applicant's representative: J. G. Dail, Jr., Federal Bar Building, 1815 H. Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and *oilfield pipe and equipment*, between points in Illinois, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, Texas, and Wyoming; (2) *commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment (other than oilfield machinery and parts therefor); (a) from Chicago, Ill., to points in Oklahoma and Texas, with no transportation for compensation on return except as otherwise authorized, (b) from points in Illinois, Missouri, Oklahoma, and Texas; to points in Arkansas, Colorado, Kansas, and New Mexico, with no transportation for compensation on return except as otherwise authorized, between points in Missouri, Oklahoma, and Texas; (3) *commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Williamson, Franklin, and Saline Counties, Ill., on the one hand, and, on the other, points in Kentucky, Indiana, Ohio, Missouri, and Arkansas. NOTE: The purpose of this application is to seek to substitute the foregoing commodity descriptions for "heavy machinery" and similar authorizations in applicant's existing authority in certificates No. MC-124947 and MC-124947 (Sub-No. 3), and it is related to a petition pending before the Commission for reopening and reconsideration of those proceedings. Applicant does not seek to broaden the territorial scope of its present authority, nor does it seek any duplicating authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 126537 (Sub-No. 18), filed July 12, 1968. Applicant: Kent I. TURNER, KENNETH E. TURNER AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Tri-Cities Airport, Sullivan County, Tenn., and McGhee-Tyson Airport, Knoxville, Tenn., on the one hand, and on the other, points in Scott, Smyth, Washington, Wythe, and Russell Counties, Va.; (2) between Tri-Cities Airport, Sullivan County, Tenn., and McGhee-Tyson Airport, Knoxville, Tenn., on the one hand, and on the other, Blue Grass Field, Lexington, Ky., and Berry Field, Nashville, Tenn., and the Greater Cincinnati Airport near Erlanger, Ky.; and, (3) between McGhee-Tyson Airport, Knoxville, Tenn., on the one hand, and on the other, Berry Field, Nashville, Tenn., and the Greater Cincinnati Airport near Erlanger, Ky., restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 129652, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville or Lexington, Ky.

No. MC 127557 (Sub-No. 8), filed July 17, 1968. Applicant: COMMERCIAL TRANSPORTATION, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Pittsburgh, Pa., and Norfolk, Va., to points in Alabama, Florida, North Carolina, and South Carolina, and (2) from Hammonton, N.J., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128490 (Sub-No. 2), filed July 17, 1968. Applicant: GERALD C. SHELBY, doing business as SHELBY TRUCKING, Post Office Box 73, Deer Park, Wis. 54007. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and sale of ice cream, ice milk, and products derived therefrom, from Baldwin, Wis., to Esterville, Iowa, and points in North Dakota, South Dakota, Montana, and Minnesota, under contract with Regal Services, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128491 (Sub-No. 2), filed July 17, 1968. Applicant: GEORGE JOHN JOHANNSEN, doing business as JOHANNSEN TRUCKING, Route No. 1, Deer Park, Wis. 54007. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular *routes*, transporting: *Materials and supplies* used in the manufacture and sale of ice cream, ice milk or products derived therefrom, from Baldwin, Wis., to Esterville, Iowa, and points in Wisconsin, Minnesota, and North Dakota, under contract with Regal Services, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129264 (Sub-No. 4), filed July 17, 1968. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Post Office Box 212, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, 2822 Third Avenue, North, Post Office Box 1581, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, tubes and rubber products*, from Dayton, Ohio, to Billings, Rudyard, Great Falls, and Darby, Mont.; Rapid City, S. Dak.; and Spokane, Wash., and rejected and returnable tires, tubes, and rubber products inventory, on return, under contract with B.L.M. Tire, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129403 (Sub-No. 2), filed July 17, 1968. Applicant: A.N.R. TRUCKING CO., INC., 518 West 29th Street, New York, N.Y. 10001. Applicant's representative: Morris Honing, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by a manufacturer, distributor, wholesaler, and retailer of sporting goods*, from points in New York, N.Y., commercial zone as defined by the Commission, and Port Newark and Port Elizabeth, N.J., to Bergenfield, N.J., restricted to traffic having a prior movement by water, under a continuing contract with General Sportcraft Co., Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 129615 (Sub-No. 1), filed July 11, 1968. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, a corporation, 809 Van Ness Avenue, San Francisco, Calif. 94109. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, and small boats, campers, and camper-type trailers* (not mobile homes), in shipper-owned vehicles, in secondary movements in driveaway service, between points in California, on the one hand, and, on the other, points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 129827 (Sub-No. 1), filed July 19, 1968. Applicant: BLAIR MOTOR SERVICE INCORPORATED, 1531 East

14th Street, St. Louis, Mo. 63106. Applicant's representative: G. M. REBMAN, 314 Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, shoe findings, and shoe materials*, from Trenton, Tenn., to St. Louis, Mo. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 129883, filed May 3, 1968. Applicant: WESWAY TRUCKING CORP., 208 West 35th Street, New York, N.Y. 10018. Applicant's representative: Joel D. Rickover, 570 Seventh Avenue, New York, N.Y. 10018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles* consisting of piece goods—dacrons, cotton, synthetics together with materials and supplies used in the manufacture with such textiles, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J. under contract with Melco Textile Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129961 (Amendment), filed June 6, 1968, published in FEDERAL REGISTER issue of June 27, 1968, and republished as amended this issue. Applicant: DONALD HACKMAN, INC., 835 Centre Avenue., Ephrate, Pa. 17522, Post Office Box D, Camden, Del. 19934. Applicant's representatives: Harold Blumberg and Gerald P. Sigal, 233 North Fifth Street, Reading, Pa. 19601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bar-Bell equipment, health and recreational equipment*, between Reading, Pa., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Missouri, Nebraska, New Mexico, Kentucky, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Wisconsin, Wyoming, Michigan, and Rhode Island, under contract with Manson-Billiard, Inc. NOTE: The purpose of this republication is to show that applicant desires radial operations between Reading, Pa., and points in the States listed above. If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Reading, Pa.

No. MC 133016 (Correction), filed July 5, 1968, published FEDERAL REGISTER issue July 18, 1968, and republished as corrected this issue. Applicant: CLAY A. IVESTER, doing business as CLAY IVESTER TRUCKING CO., Post Office Box 296, Murphy, N.C. Applicant's representative: Boyce A. Whitmire, Post Office Box 908, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, (a) from Greenville, S.C., to points in Macon, Clay, Cherokee, and Graham Counties, N.C., and (b) from Chattanooga, Tenn., and Atlanta, Ga., to points in Macon, Clay, Cherokee, and Graham Counties, N.C.; (2) *pallettes*, from Murphy, N.C., to Greenville and Spartanburg, S.C., and Atlanta, Ga.; (3) *lumber*, from West Union and Easley, S.C., to Murphy, N.C.; (4) *feed* (a) from Gainesville, Ga., to points in Macon, Clay, Cherokee, and Graham Counties, N.C.; and (b) from Chattanooga, Tenn., to Murphy, N.C.; and (5) *fertilizer materials*, dry, in packages, from Greenville, S.C., to points in Macon, Clay, Cherokee, and Graham Counties, N.C. NOTE: The purpose of this republication is to add No. (4)(a) above, which was inadvertently omitted in previous publication. If a hearing is deemed necessary, applicant requests it to be held at Raleigh or Charlotte, N.C.

No. MC 133020, filed July 10, 1968. Applicant: CHARLES EDWARD WALTZ, JR., Route 13, DeRuyter, N.Y. 13052. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Lumber and lumber products* from points in Onondaga, Madison, Schuyler, Tioga, and Cortland Counties, N.Y., to points in Suffolk, Worcester, and Middlesex Counties, Mass.; Hillsboro County, N.H.; Hartford and Fairfield Counties, Conn.; Passaic, Essex, Union, Middlesex, and Gloucester Counties, N.J.; Lackawanna, Susquehanna, Philadelphia, Dauphin, Carbon, Lycoming, Northampton, Bucks, Northumberland, Erie, and Lancaster Counties, Pa.; Baltimore and Frederick Counties, Md.; Hamilton County, Ohio; Muskegon and Kent Counties, Mich.; and Bennington County, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at Syracuse or Rochester or Buffalo, N.Y.

No. MC 133032, filed July 15, 1968. Applicant: BURKETT TRUCKING CO., INC., 2508 East Roosevelt, Little Rock, Ark. 72202. Applicant's representative: Glenn W. Jones, Jr., 1426 Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers;* (1) from Little Rock, Ark., to points in; (a) Denver, Boulder, Weld, Adams, Arapahoe, Larimer, Jefferson, Douglas, Gilpin, Clear Creek, and Park Counties, Colo; and (b) points in Costilla, Alamosa and Conejos Counties, Colo.; (2) from Little Rock, Ark., to (a) Daytona Beach, Fla., and points in Florida on and north of the following highways; U.S. Highway 92 from Daytona Beach to junction U.S. Highway 17, U.S. Highway 17 to junction Florida Highway 40, Florida Highway 40 to Yankeetown, Fla.; (b) Lake Worth, West Palm Beach, Fort Myers, Fla., and points in Florida on and north of the following highways; U.S. Highway 98 from West Palm Beach to junction U.S. Highway 441, U.S. Highway 441 to junction U.S. Highway 27, U.S. Highway 27 to junction Florida Highway 80, Florida Highway 80 to junction Florida Highway 867, and Florida Highway 867 to Gulf of Mexico and south of the following highways; U.S. Highway 92 from Daytona Beach to junction U.S. Highway 17, U.S. Highway 17 to junction Florida Highway 40, Florida Highway 40 to Yankeetown, Fla.; and (c) points in Florida (except Lake Worth, West Palm Beach and Fort Myers) south of the following U.S. highways; U.S. Highway 98 from West Palm Beach to junction of U.S. Highway 441, U.S. Highway 441 to junction U.S. Highway 27, U.S. Highway 27 to junction of Florida Highway 80, Florida Highway 80 to junction of Florida Highway 867, and Florida Highway 867 to Gulf of Mexico; and (3) from Little Rock, Ark., to (a) Corpus Christi and Laredo, Tex., and points in Texas on and north of the following highways; Texas Highway 44 from Corpus Christi to junction U.S. Highway 59, U.S. Highway 59 to Texas border at Laredo; north of Texas Highway border from Laredo to Del Rio; and on and east of the following highways; U.S. Highway 377 from Del Rio, Tex., to junction of Interstate Highway 35, Interstate Highway 35 to Texas-Oklahoma boundary line; and (b) points in Texas south of the following highways; Texas Highway 44 from Corpus Christi to junction U.S. Highway 59, U.S. Highway 59 to Laredo, Tex., under contract with Little Rock Crate & Basket Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133032 (Sub-No. 1), filed July 15, 1968. Applicant: BURKETT TRUCKING CO., INC., 2508 East Roosevelt, Little Rock, Ark. 72202. Applicant's representative: Glenn W. Jones, Jr., 1426 Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., and Mobile, Ala., to Little Rock, Ark., under contract with Safeway Stores Inc. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 133038, filed July 19, 1968. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer, Detroit, Mich. 48226. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Detroit, Mich., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia,

and West Virginia. NOTE: Applicant holds contract authority under MC 128634, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 2353 (Sub-No. 14), filed July 11, 1968. Applicant: MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore, Md. 21224. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours beginning and ending at points in the Baltimore, Md., commercial zone as defined by the Commission and extending to all points in the United States, including Alaska but excluding Hawaii. NOTE: Applicant states that it presently holds authority in MC 2353 and Sub-9 thereunder to conduct special operations beginning and ending at Baltimore, Md., to all points in the United States, and the authority sought in the instant application will be tacked to said present authority in the conduct of tours. If a hearing is deemed necessary, applicant requests it be held in Baltimore, Md.

APPLICATIONS OF FREIGHT FORWARDERS

FREIGHT FORWARDERS OF PROPERTY

No. FF-36 (Sub-No. 5), D. C. ANDREWS INTERNATIONAL, INC. Extension—UNITED STATES, CANADA, etc., filed July 1, 1968. Applicant: D. C. ANDREWS INTERNATIONAL, INC., 327 South La Salle Street., Chicago, Ill. Applicant's representative: Charles B. Myers, 611 Field Building, Chicago, Ill. 60603. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a *freight forwarder* in interstate or foreign commerce, through use of the facilities of common carriers by railroad, motor vehicle and water in the transportation of (a) *general commodities*, when imported or consigned for export; (1) between points in Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, on the one hand, and, on the other, the Canadian ports of Montreal, Quebec; St. John, New Brunswick; and Halifax, Nova Scotia; insofar as the transportation takes place within the United States; (2) between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin, on the one hand, and, on the other, the port of New York, N.Y.; (3) between all points in the United States, on the one hand, and, on the other, the port of Portland, Maine; (b) *general commodities*, when imported; (1) from all ports in California, Oregon, and Washington, to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; (2) from the ports of Baltimore, Md., Philadelphia, Pa., and ports in Virginia, to points in Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin; and, (c) *general commodities* when consigned for export; from points in Pennsylvania to the ports of Philadelphia, Pa., and Baltimore, Md.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUIRED

No. MC 3647 (Sub-No. 403), filed July 22, 1968. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Edgewater and Union City, N.J.: (A) from the Edgewater-North Bergen municipal line at River Road, over River Road to junction of Boulevard East and 60th Street, West New York, N.J., returning over the same route and serving all intermediate points, and (B) from junction of 48th Street and Boulevard East, Weehawken, N.J., over 48th Street, to junction of Broadway, Union City, N.J., returning over the same route and serving all intermediate points. *Restrictions:* (1) No passengers shall be transported over the above-described routes through the Lincoln Tunnel between the Midtown Port Authority Bus Terminal, New York City, N.Y., and points in Fort Lee, N.J., except in Fort Lee, N.J., on Hudson Terrace south of South Marginal Street and over that part of Main Street between Hudson Terrace and the Edgewater-Fort Lee municipal line; (2) no passengers whose trips begin at the Midtown Port Authority Bus Terminal, New York City, N.Y., and end south of 61st Street on Boulevard East in Weehawken or West New York, N.J., and/or on 48th Street east of Park Avenue in Weehawken, N.J., and vice versa, shall be transported on buses operating over River Road from the Edgewater-North Bergen municipal line to the junction of Boulevard East and 60th Street in West New York, N.J. NOTE: Applicant states that the above-described routes will be tacked with its existing routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9134; Filed, July 31, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 29, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41404—*Wheat and grain sorghums to gulf ports, for export.* Filed by Missouri Pacific Railroad Co. (No. 1138), for itself and interested rail carriers. Rates on wheat and grain sorghums, in bulk, in carloads, from specified points in Kansas, on the Missouri Pacific Railroad Co., to gulf ports, Destrehan, La., Gulport and Pascagoula, Miss., Mobile, Ala., and Pensacola, Fla., for export.

Grounds for relief—Motortruck competition and port relationship.

Tariff—Supplement 39 to Missouri Pacific Railroad Co. tariff ICC 364.

FSA No. 41405—*Wheat or grain sorghums to Texas gulf ports.* Filed by The Atchison, Topeka, and Santa Fe Railway Co. (No. 97-A), for itself and interested rail carriers. Rates on wheat or grain sorghums, in bulk, in carloads, from points in Kansas and Oklahoma, to Corpus Christi, Tex., for export.

Grounds for relief—Motortruck and barge competition.

Tariff—Supplement 41 to The Atchison, Topeka, and Santa Fe Railway Co. tariff ICC 15044.

By the Commission.

H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9206; Filed, July 31, 1968; 8:48 a.m.]

[Notice 658]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 29, 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 29988 (Sub-No. 115 TA), filed July 23, 1968. Applicant: DC INTERNATIONAL, INC., 45th Avenue at Jackson Street, Denver, Colo. 80216. Applicant's representatives: Arnold L. Burke, 39 South La Salle Street, Chicago, Ill. 60603, and Ed. Upp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's otherwise authorized regular-route operations. Carrier does intend to tack the authority here applied for to other authority held by it, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 35628 (Sub-No. 291 TA), filed July 25, 1968. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 1 Vandenberg Center, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods and commodities in bulk), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's regular route operations to and from Louisville, Ky., as authorized at sheets and 11 of certificate MC 35628. Applicant intends to tack and interline, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48921.

No. MC 41116 (Sub-No. 36 TA), filed July 25, 1968. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Post Office Box 1504, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard* (linerboard), from Pineville, La., to Lake Charles, La., for 180 days. Supporting shipper: Pineville Kraft Corp., Post Office Box 870, Pineville, La. 71360. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 43654 (Sub-No. 74 TA), filed July 25, 1968. Applicant: DIXIE OHIO EXPRESS, INC., Post Office Box 750, 237 Fountain Street, Akron, Ohio 44309. Applicant's representative: R. E. Gifford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the Ford Motor Co. plantsite near the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with carrier's regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 52579 (Sub-No. 112 TA), filed July 24, 1968. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Wilfred Abel (same address as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from New Smyrna, Fla., to Atlanta, Ga., and Shelby, N.C., for 150 days. Supporting shipper: Kingly Manufacturing Corp., 1350 Broadway, New York, N.Y. 10018. Send protests to: District Supervisor W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 55822 (Sub-No. 7 TA), filed July 25, 1968. Applicant: VICTORY EXPRESS, INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Applicant's representative: Carl C. Schaefer, Sr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ink, rubber products, paper products, machinery, paper and metal cases, magnetic tape, and filing cabinets*, between the plantsite and facilities of The National Cash Register Co. at Dayton, Ohio, and the plantsite and facilities of The National Cash Register Co. at Morristown, Tenn., *cash register paper*, from Morristown, Tenn., to Washington, D.C., Baltimore, Md., Philadelphia, Pa., and New York, N.Y., for 180 days. Supporting shipper: The National Cash Register Co., Dayton, Ohio 45409. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 57435 (Sub-11 TA), filed July 25, 1968. Applicant: LOUISIANA, ARKANSAS & TEXAS TRANSPORTATION COMPANY, 4601 Blanchard Road, Shreveport, La. 71107. Applicant's representative: R. W. Spachman, 114 West 11th Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives*, between Shreveport, La., and Minden, La., from Shreveport over Interstate Highway 20 to junction U.S. Highway 79-80, thence to junction unnumbered highway near Louisiana Army Ammunition Plant near Doyline, La. (old U.S. Highway 79-80), thence to junction U.S. Highway 79-80, thence over U.S. Highway No. 79-80 to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Louisiana Highway No. 7, thence over Louisiana Highway No. 7 to Minden, and return over the same route, serving all intermediate points, including, but not limited to, the Louisiana Army Ammunition Plant near Doyline, La., and including all points within all commercial zones of all points served. The above service is to be limited to that which is auxiliary to or supplemental of rail service of Louisiana & Arkansas Railway Co., for 180 days. Supporting shippers: Department of Defense (Defense Transportation Office) Washington, D.C. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 59206 (Sub-No. 20 TA), filed July 25, 1968. Applicant: HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich. 49423. Applicant's representative: Charles J. Cooper (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and classes A and B explosives, household goods as defined by the Commission, commodities in bulk requiring special equipment), from Louisville, Ky., to Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisvillie, Ky., as an off-route point in connection with applicants existing regular route authority. Applicant tends to tack and interline, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: C. R. Fleming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 63973 (Sub-No. 13 TA) filed July 24, 1968. Applicant: HARRY KALER, doing business as KALER FREIGHT LINE, 504 12th Street SE., Mason City, Iowa 50401. Applicant's representative: Gerald Kaler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1), between Mason City and Hampton, Iowa, over U.S. Highway 65, serving all intermediate points; (2) between Mason City and Osage, Iowa, serving the intermediate points of St. Ansgar as follows: From Mason City east over U.S. Highway 18 to junction unnumbered highway, thence over unnumbered highway through Plymouth, Iowa, to junction Iowa Highway 337; thence over Iowa Highway 337 to junction unnumbered highway at Grafton, Iowa; thence over unnumbered highway to junction Iowa Highway 105 at Carpenter, Iowa;

thence over Iowa Highway 105 to junction U.S. Highway 218; thence over U.S. Highway 218 to Osage, Iowa; and return over the same route, for 180 days. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Ellis Annett, District Supervisor, 677 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

No. MC 69833 (Sub-No. 96 TA), filed July 25, 1968. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Ford Motor Co. at Westport Road and Murphy Lane, Jefferson County, Ky., as an off-route point in connection with carrier's authorized regular-route operations to and from Louisville, Ky. Applicant intends to tack and interline, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 74718 (Sub-15 TA), filed July 25, 1968. Applicant: ADKINS CARGO EXPRESS, INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and household goods, as defined by the Commission) serving the plantsite of the Ford Motor Co., Kentucky Truck Plant, located near the intersection of Westport Road and Murphy Lane, Jefferson County, Ky., as an off-route point in connection with applicant's present authority, as set forth in Docket MC 74718. Will engage in the same transportation on return. It will interline at any common point, with duly authorized carriers. It will tack over presently authorized routes where there is a common point, for 180 days. Supporting shippers: Ford Motor Co., The American Road, Dearborn, Mich., Attention C. F. Wilkins, Supervisor, Parts and Material, Transportation and Traffic, Analysis Department. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 94350 (Sub-No. 191 TA), filed July 23, 1968. Applicant: TRANSIT HOMES INC., Post Office Box 1628, Haywood Road, Greenville, S.C. 29602. Applicant's representative: Mitchell King (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 60' x 12' units which will include *frames, chassis and undercarriages for mobile homes and portable buildings*, from their plantsite in Laurens, S.C., to new facilities in Mechlenburg and Cabarrus Counties, N.C., with return of said undercarriages, for 180 days. Supporting shipper: Riblet Products, Inc., Laurens, S.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 601A Sumter Street, Columbia, S.C. 29201.

No. MC 108068 (Sub-No. 67 TA), filed July 22, 1968. Applicant: U.S.A.C. TRANSPORT, INC., 25200 West Six Mile Road, Detroit, Mich. 48240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines*, other than aircraft, which require the use of special equipment or handling; and *parts, attachments, equipment, materials, and supplies* moving in connection therewith, between East Hartford and Southington, Conn., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii, restricted to traffic originating at or destined to the plants and facilities of United Aircraft in Connecticut, for 180 days. Supporting shipper: United Aircraft Corp., 400 Main Street, East Hartford, Conn. Send protests to: District Supervisor Gerald J. Davis, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower, Detroit, Mich. 48226.

No. MC 110683 (Sub-No. 43 TA), filed July 25, 1968. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane, Jefferson County near Louisville, Ky., as an off-route point in connection with applicant's presently authorized operations to and from Louisville, Ky. (Note that applicant proposes to tack the proposed authority with authority it now holds), for 180 days. Supporting shipper: Ford Motor Co., Dearborn, Mich. 48120. Send protests to: George S. Hales, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 111594 (Sub-No. 36 TA), filed July 25, 1968. Applicant: C. W. TRANSPORT, INC., 610 High Street, Post Office Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's otherwise authorized regular-route operations, for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich., Attention C. F. Wilkins, Supervisor, Parts and Material, Transportation and Traffic, Analysis Department. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 111729 (Sub-No. 267 TA), filed July 22, 1968. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit, and accounting media of all kinds, and advertising materials moving therewith*, (a) between New York, N.Y., on the one hand, and, on the other, points in New Castle County, Del.; points in Bucks, Delaware, Montgomery, and Philadelphia Counties, Pa. (except Philadelphia, Pa.): (b) Between Philadelphia, Pa., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. (except Manhasset, N.Y.); and points in Bergen and Morris Counties, N.J. (except Carlstadt, N.J.): (c) Between Columbus, Ohio, on the one hand, and, on the other, points in Indiana (except Marion County, Ind.) and points in Kentucky (except Ashland, Ky.). (2) *Drugs, narcotics, pharmaceuticals and drug products*, between Columbus, Ohio, on the one hand, and, on the other, points in Indiana and points in Kentucky. (3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition). (a) Between Richmond, Va., on the one hand, and, on the other, points in South Carolina; (b) between Columbus, Ohio, on the one hand, and, on the other, points in Indiana and points in Kentucky (except Louisville, Ky.) for 180 days. Supporting shippers: (1) J. C. Penney Co., Inc., 1301 Avenue of the Americas, N.Y. 10019, (2) Galeski Photo Center, Inc., Post Office Box 658, Richmond, Va. 23205, (3) Big Bear Stores Co., 770 West Goodale Boulevard, Columbus, Ohio 43212. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, N.Y. 10007.

No. MC 114533 (Sub-No. 164 TA), filed July 24, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Small parts, electronic components and supplies* limited to 75 pounds per shipment, between Cleveland, Ohio, on the one hand, and, on the other, Erie and Pittsburgh, Pa., and Detroit, Mich., for 150 days. Supporting shipper: International Business Machines Corp., 601 Rockwell Avenue, Cleveland, Ohio 44114. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 116077 (Sub-No. 242 TA), filed July 24, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue 77023, Post Office Box 1505 77001, Houston, Tex. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from Houston, Tex., to Santa Fe, N. Mex. Applicant does not intend to tack authority with presently authorized routes, for 180 days. Supporting shipper: Ideal Cement Co., Division of Ideal Basic Industries, Inc., 821 17th Street, Denver, Colo. 80202. Send protests to: District Supervisor John C. Redus, 8610 Federal Building, 515 Rusk, Interstate Commerce Commission, Bureau of Operations, Houston, Tex. 77002.

No. MC 117183 (Sub-6 TA), filed July 25, 1968. Applicant: 3–B TRUCKING COMPANY, INC., 20 Jewell Street, Garfield, N.J. 07026. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Canned beverages, equipment, materials, and supplies used or useful in the manufacture and sale of canned beverages*, between the plantsite and facilities of Cantrell and Cochrane, Ltd., Inc., and/or Garfield Products, Inc., at Garfield, N.J., on the one hand, and, on the other, points in New York, Pennsylvania, and Connecticut, for 150 days. Supporting shipper: Cantrell & Cochrane Corp., 20 Jewell Street, Garfield, N.J. 07026. Send protests to: District Supervisor, Joel Morrow, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 119654 (Sub-No. 6 TA), filed July 24, 1968. Applicant: HI-WAY DISPATCH, INC., 26th Street and Bypass, Marion, Ind. 46952. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, and tops* therefor and *fiberboard boxes*, from Dunkirk, Ind., to points in Illinois, Kentucky, Michigan, St. Louis, Mo., Ohio, and Wisconsin, for 180 days. Supporting shipper: Armstrong Cork Co., Lancaster, Pa. 17604. Send protests to: District Supervisor J. H. Grey, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 127988 (Sub-No. 6 TA), filed July 23, 1968. Applicant: LEON F. FIALA, doing business as FIALA FEED AND GRAIN CO., Osceola, Nebr. 68651. Applicant's representative: Richard C. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain storage bins, grain drying bins, bulk feed tanks, and metal buildings*, from Grand Island, Nebr., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, North Dakota, Oklahoma, South Dakota, Washington, Wyoming, and Wisconsin, and (2) *Cold rolled steel, steel sheets, and steel coils*, from St. Louis, Mo., and points in Illinois and Indiana to Grand Island, Nebr., under continuing contract with Big Chief of Nebraska, Inc., for 180 days. Supporting shipper: Big Chief of Nebraska, Inc., West Highway 30, Grand Island, Nebr. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretray.*

[F.R. Doc. 68-9207; Filed, July 31, 1968; 8:48 a.m.]

[Notice 181]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 29, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70621. By order of July 23, 1968, the Transfer Board approved the transfer to Lohrenze Trucking Co., Inc., Casper, Wyo., of certificates Nos. MC-52471 and MC-52471 (Sub-No. 3), issued September 21, 1940, and March 3, 1947, respectively to C. B. Edmonds, doing business as C. B. Edmonds Transportation, authorizing the transportation of: Machinery, materials, supplies, and equipment used in the natural gas and petroleum industry and in the operation of pipe lines, between points in Wyoming and Montana. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001, attorney for applicants.

No. MC-FC-70651. By order of July 23, 1968, the Transfer Board approved the transfer to Rediehs Interstate, Inc., a Delaware corporation, Gary, Ind., of the operating rights in certificates Nos. MC-128270 and MC-128270 (Sub-No. 1) issued March 21, 1968, and January 9, 1967, respectively, to Rediehs Interstate, Inc., Gary, Ind., authorizing the transportation of various specified commodities, including iron and steel articles, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Iowa, Missouri, and Wisconsin, and materials, equipment, and supplies used in the manufacture and processing of iron and steel articles, from points in Iowa, Missouri, and Wisconsin, to the plantsite of the Jones & Laughlin Steel Corp. in Putnam County, Ill.; and general commodities, with exceptions, between the plantsite of the Bethlehem Steel Corp. at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Illinois north of U.S. Highway 40 and points in Missouri, except St. Louis. Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602, attorney for applicants.

No. MC-FC-70653. By order of July 23, 1968, the Transfer Board approved the transfer to J. A. Grimm & Wheeling Motor Express, Inc., McKees Rocks, Pa., of the operating rights in certificate No. MC-21788 issued January 31, 1950, to Joseph Grimm, doing business as J. A. Grimm & Wheeling Motor Express, McKees Rocks, Pa., authorizing the transportation of general commodities, with the usual exceptions between Pittsburgh, Pa., and Apollo, Pa., serving all intermediate points and the off-route points of Vandergrift and Schenley, Pa.; between Pittsburgh, Pa., and Moundsville, W. Va., serving the intermediate points of Beechbottom, W. Va., and those between Beechbottom and Moundsville, and the off-route points of Wilkinsburg and McKees Rocks, Pa., and Bethany, W. Va.; between Pittsburgh, Pa., and Wheeling, W. Va., serving intermediate points in West Virginia and specified off-route points in Pennsylvania; and between Pittsburgh, Pa., and Bellaire, Ohio, serving specified intermediate and off-route points. Edward M. Larkin, 5151 Penn Avenue, Pittsburgh, Pa. 15224, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-9208; Filed, July 31, 1968; 8:48 a.m.]

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Thursday, August 1, 1968 • Washington, D.C.

PART II

Department of Agriculture
Consumer and Marketing Service

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Milk in New York-New Jersey Marketing Area

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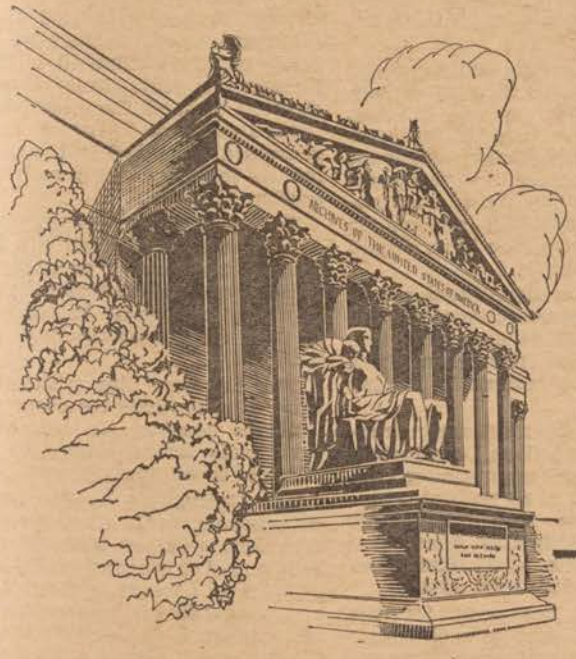
DECISION



DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1002]

[Docket Nos. AO-71-A46, AO-71-A46-R01]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was convened at New York City, on July 19, 1965, pursuant to notice thereof issued on June 11, 1965 (30 F.R. 7839). Sessions were held at such location July 19–23, and August 3–27, 1965, and at Syracuse, N.Y., on July 26–29, 1965. The hearing was reopened at New York City during the period May 9–June 9, 1967, pursuant to supplemental notice thereof issued on April 20, 1967 (32 F.R. 6407).

Upon the basis of the evidence introduced at the July–August 1965 sessions of the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service on January 19, 1967 (32 F.R. 807) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto. The decision proposed certain modifications in the cooperative payment provisions of the order (issue No. 1) and denied the adoption of certain other proposals at issue (issues No. 2, 3, and 4).

After review of the recommended decision and exceptions filed, and on the basis of requests from two of the cooperative groups receiving the payments and from duly authorized representatives of the States of New York and New Jersey, the Acting Secretary of Agriculture decided on April 20, 1967 (32 F.R. 6401) that the hearing should be reopened. He concluded in his partial final decision that: (1) A continuing need for cooperative payment provisions in the order had been demonstrated, (2) some modification of the provisions should be made and (3) because evidence relating to (a) delineation of the marketwide services for which payment should be made, (b) the total amount of such payment, and (c) its allocation among cooperatives, was not fully developed in the prior sessions of the hearing, the hearing should be reopened for the limited purpose of receiving any further pertinent evidence interested parties might wish to offer on the latter issues to permit a full and comprehensive reexamination of the matter.

Consequently, a supplemental notice of hearing was issued concurrently with the issuance of the partial final decision. However, the partial decision did contain findings and conclusions with respect to the remainder of the issues of record (Issues 2, 3, and 4). The hearing was reopened at New York City on May 9, 1967, and was in session 16 days during the period May 9–June 9, 1967.

On March 29, 1968, the Deputy Administrator, Regulatory Programs, filed with the Hearing Clerk, U.S. Department of Agriculture, his revised recommended decision (33 F.R. 5304) with respect to the completion of findings and conclusions on issue No. 1 (as described in the partial final decision) based on the complete record of the hearing. Such decision contained a recommended order amending the order as the detailed and appropriate means by which such findings and conclusions and the findings and conclusions of the partial final decision may be carried out. The revised recommended decision contained notice of the opportunity to file written exceptions thereto.

The statement of issues, description of hearing proposals, findings and conclusions, and rulings of the partial final decision of April 20, 1967 (32 F.R. 6401), although not repeated here, are adopted as part of this decision.

The findings and conclusions, rulings, and general findings of the revised recommended decision (33 F.R. 5304; F.R. Doc. 68-3988) are hereby approved and are set forth in full herein subject to the following revisions:

1. Under II B. *Cost of Marketwide Services:*

a. The last sentence in the 11th paragraph is revised.

b. A footnote is added to the tabular material therein.

2. Under III A. *Public disclosure:* In the last paragraph the reference § 1002.81(i) is changed to § 1002.89(i).

3. Under III C. *Miscellaneous changes:* The next to last paragraph is revised and a new paragraph is added between it and the last paragraph.

The findings and conclusions set forth below relate only to the matters subject to discussion at the reopened hearing, to wit: "Whether the basis for and rates of payment from the producer-settlement fund (commonly referred to as "cooperative payments") to qualifying cooperatives to perform specified services to producers on a marketwide basis should be modified or revoked."

Current order provisions require that each eligible producer organization must perform certain marketwide services if it is to continue to receive payments. These include (but are not necessarily limited to) the following:

(1) Analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data;

(2) Determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions;

(3) Participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments;

(4) Participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter;

(5) Conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; and

(6) Under some circumstances, the operation of marketing facilities, i.e., pool plants.

Much of the hearing record (particularly after reopening) was devoted to a discussion of whether cooperative payments should continue to be subject to the same performance requirements in terms of marketwide services.

At the reopened hearing a spokesman for two cooperatives primarily associated with the Delaware Valley order and another speaking for proprietary handlers in this market advocated a specific listing of services deemed to be marketwide in nature. It was suggested that proper expenditure of cooperative payment funds be strictly limited to the defined services. In part, these proposals were directed toward the justification of a limited payment. Particular concern was expressed in regard to the use of these monies for membership activity and operation of plants.

Eastern Milk Producers Cooperative Association, Inc., which is a large bargaining cooperative presently qualified to receive payments under the order, also expressed opposition to payments made or used for the operation of marketing facilities.

The handlers also criticized expenditure of pool funds for cooperative publications because, in their view, these periodicals served largely to build the image of these organizations.

The Dairymen's League Co-operative Association, Inc., a current payments recipient, proposed that order language be changed to broaden the list of required services to include legislative activities and to specifically acknowledge that the required services are not the only activities which are of a marketwide nature. They also suggested that the present requirement for additional payment based on marketing facilities be modified

to require manufacturing capacity. Specifically, eligibility for such added payment would be limited to an organization operating pool plants handling 25 percent of its members' milk and also maintaining manufacturing plant capacity for at least 10 percent of membership production.

Northeast Dairy Cooperative Federation, Inc., another presently qualified group, also stressed the importance of service to all producers via cooperative operation of manufacturing facilities.

FINDINGS AND CONCLUSIONS

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

I. *Modification of provisions.* The present rates of payment should be adjusted only to accommodate changes in cooperative eligibility requirements for payment as adopted in the partial final decision of April 20, 1967, which is made an integral part hereof. Other changes of an administrative nature should be made (1) as provided by the April 20 decision, and (2) as discussed below.

Basic to the findings in the partial final decision that cooperative payments should be continued were the following:

(1) That certain activities of cooperatives are necessary to the effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members; and

(2) That payments to cooperatives provide the means necessary in this market to encourage performance of marketwide services and to correct any inequities of cost that would otherwise burden members of cooperatives undertaking such tasks.

Consistency with these two principles was considered the ultimate touchstone for reaching the findings and conclusions set forth below in regard to the unresolved issues on the record of this hearing.

At the hearing the most urgent criticism of the cooperative payment provisions revolved around the following points: whether the present provisions are (1) resulting in excessive payments to cooperatives and consequently detracting from the uniformity of returns between member and nonmember producers, and (2) impeding the uniform application of pricing between proprietary handlers and the recipient cooperative associations in their capacity as handlers.

The question of assessing a reasonable level of expenditure for those services which benefit nonmember producers as well as members of cooperatives, and in differentiating such activities related to the regulatory program from services designed primarily for members, are the basis for much of the current controversy over the cooperative payment provisions and led to the review made at this hearing.

At issue then is both a workable definition of marketwide services and the appropriate level of compensable payment for such services. The partial decision reaffirmed that "certain activities of cooperatives are necessary to effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members." The problem, however, is whether each activity on which payment is based should be enumerated in the order or whether some general minimum requirements are more appropriate as a basis for compensation of cooperatives.

In deciding these questions it is necessary to keep in mind that all producers have a proportionate interest in monies deducted from the producer-settlement fund since any deduction therefrom reduces the uniform price payable to all producers. On the other hand, any action which leads to an increase in the uniform price also redounds to the benefit of all producers.

Several public witnesses placed their views on the matter of delineating cooperative and marketwide services into the record. One, a university staff member who authored a study of cooperative payments, listed two criteria for identifying a marketwide service: (1) That it accrue to the benefit of all producers, and (2) that it be "reasonably necessary for the proper functioning of the order".[1] Another, a professor at one of the large land-grant universities in the milkshed, suggested that marketwide services should include all activities by cooperatives necessary to the operation of the order, including the solution of problems by means other than order changes. A third professor indicated that the suitable services should include only order activities and education.

The most important type of cooperative activity related to effective operation of the regulatory program concerns the solution of problems that arise in marketing of milk in the New York-New Jersey milkshed. Because of the dynamic nature of such marketing there is a constantly changing array of problems requiring solution. Presently, new problems are arising due to concern over air and water pollution. New regulations concerned with elimination of such pollution sometimes means closing of a milk plant, and the subsequent relocation of producers. Changes in sanitary regulations are a continuing concern. One example may be found in the widespread need for United States Public Health Service approval due to increasing use of its standards for acceptance of milk supplies.

Dairy farmers and their representatives must be concerned with the loss of markets to substitutes, both domestic and foreign. For example, imports of butterfat sugar mixtures have been replacing locally produced butter and cream in recent years. Moreover, nondairy substitutes, having taken over much of the butter and cream market, now threaten to substitute for fluid milk products. In any case, the problem of competition takes many forms, all requiring study and solution.

Milk marketing does not simply consist of producing the milk or obtaining a favorable market. Assembly of the raw product is also subject to difficulties some of which result from changing technology. For example, the change to bulk handling of milk is altering many of the historical can assembly patterns. Close scrutiny is required to assure that the transition progresses smoothly to an efficient result.

Effective dealing with such problems frequently requires order changes, but solutions often go beyond the scope of the order. Presently, however, the order only refers specifically to the pursuit of solutions available under the order. By the same token present provisions do not preclude attempts at solution beyond the order. Nor does this record support the conclusion that it would be desirable to make such a restriction on cooperative activity. It would be ironic to charge these organizations with the responsibility of studying milkshed problems without permitting flexibility in dealing with their solution.

Because of the block voting in referenda provided for in the Act, cooperatives have a special responsibility in the regulatory process. Voting on an order or amended order frequently depends primarily on votes cast en block. Cooperative decisions on how a vote shall be cast thus become extremely important to all producers. Because membership sentiment normally provides for means for assessing the mood of producers throughout the milkshed (in fact this is one of the reasons for limiting payments to large cooperatives), able directors and officers are extremely important to the activity of cooperatives that are to receive pool payments.

Therefore, dissemination of accurate information about problems and alternative solutions to members and officers requires particular emphasis. This does not indicate that nonmember education is unimportant, but rather recognizes that much of the most effective nonmember education is accomplished through contact with other producers. The organizational structure of the cooperative provides for feedback of producer (both member and nonmember) sentiment to the decisionmakers. Indeed, new problems confronting producers may come to light through operation of an efficient communications apparatus within these producer organizations.

Some critics of cooperative payments contend that membership activities of a cooperative accrue only to members' benefit. According to this view it is only the technical staff of the qualified organizations that provide benefits to all producers in the market.

Emphasis on the technical staff of a cooperative, while extremely important, deals only with one part of the need. Professional economists, lawyers, fieldmen, public relations personnel, and

[1] See definition of marketwide service in thesis "Compensation of Milk Producer Cooperatives for Marketwide Services Under Federal Milk Orders" (p. 30) by Dr. William Park, accepted in partial fulfillment of the degree Doctor of Philosophy at College of Agriculture, Cornell University.

supporting staff are necessary to prepare meaningful data and alternative programs, provide professional contact with producers, disseminate useful information, and competently pursue solutions. But membership, officers, and organizational structure of the cooperative provide the means to choose among alternative solutions to problems of a marketwide nature by assessing producer wants and needs.

Evidence in the record does not support the conclusion that publications presently disseminated by qualified cooperatives do not benefit all producers. Sample copies of the publications of the two qualified operating cooperatives and testimony of both editors indicate, in general, that information presented is reasonably well-balanced and factual. While views of the sponsoring organizations are aired, editorial policy and published content as revealed on the record demonstrate the usefulness of the periodicals to provide educational information for all producers.

Milk marketing problems often require an establishment of communications with legislative and other public agencies. Many examples of this need were placed on the record, notably concerning milk standardization, sanitation requirements, cooperative laws, and possible changes in the Act authorizing milk orders. A State legislator testified to the value of information supplied to him by the qualified cooperatives. Other legal work arises from court actions such as those that challenge provisions of the order. Such work is a marketwide service when it involves providing factual material to legislators or legal support to uphold the efficacy of the order. A suitable program of marketwide services should continue to include analysis of the myriad milk marketing problems facing producers under the order even though it may require action related only indirectly to Order 2 provisions.

The cooperatives also provide services of a marketwide nature by the maintenance of manufacturing facilities capable of providing an outlet for producers' milk. Such facilities are necessary in this milkshed in order to insure that producers will have an outlet for their milk at all times. Testimony at the hearing emphasized the value of manufacturing facilities to handle the surplus resulting from the wide supply variations.

Consumer needs for fluid milk do not vary in a manner similar to production. While daily fluid sales are rather consistent, even the practice of processing such milk on a 5-day week basis conflicts with the biological nature of production. Thus, assurance of an adequate supply of fluid milk is a problem inextricably associated with the equitable disposition of any resulting surplus. If proprietary handlers are not both willing and able to offer producers an outlet for their milk, the cooperatives must provide such outlets as an alternative to the uneconomic reduction of herds or dumping of milk. While manufacturing capacity should be available to handle surplus milk that cannot be utilized as fluid milk, the need for such plants varies with the amount of surplus. Therefore, such facilities often must be maintained on a costly standby basis subject to daily, seasonal, and annual variation in use.

On a hypothetical basis, handler spokesmen attempted to demonstrate how cooperative payments could be used by qualified cooperatives to gain unfair competitive advantage over proprietary handlers. It was alleged that proprietary handlers also maintain surplus facilities that are operated on an intermittent basis. Mere existence of such plants, however, does not necessarily provide an outlet for the milk of all producers. Because they are owned and controlled by producers, cooperatives incur obligations not shared by proprietary handlers to provide outlets for producers during such periods of worsening market conditions. Due to this difference in the motive for operation, processing plants owned by other handlers do not provide the same assurance of market outlets to producers, under all circumstances, as do those operated by cooperatives.

Temporary periods may be expected during which the margins provided by class prices for the operation of surplus facilities will be unfavorable. For example, large imports of butterfat sugar mixtures during 1966 suddenly provided handlers with substantially lower cost butterfat than that available under the order. Under such circumstances the availability of cooperative facilities became very important in providing a market for the displaced butterfat which was no longer acceptable to proprietary handlers. It is important that the cooperatives continue to provide the marketwide service of maintaining processing facilities in the milkshed to insure that milk outlets remain available to producers during such periods.

In the long run, perhaps the greatest benefit that arises from operation of cooperative marketing facilities, including processing facilities, is the additional knowledge that accrues to the organizations concerned with such operations. Daily contact with current problems of processing and marketing of milk under the order makes them more immediately aware of problems somewhat removed from actual farm production of milk. Moreover, data not otherwise available is susceptible to their use. For example, actual costs of receiving, processing, or manufacturing may be introduced into the record of hearing even though proprietary handlers may be unwilling to provide such data for competitive or other reasons. Such data are invaluable for use in making intelligent decisions on class pricing provisions. Importance of subtle changes in the level of long-term handling charges and of spot prices are also likely to be more immediately recognized by cooperatives that are engaged in daily handling of relatively large milk volumes.

In the short run the ability to remove excess supplies from the market is also of benefit to all producers. For example, the record indicates that several proprietary handlers declared bankruptcy since 1960. In the bankruptcies both member and nonmember milk were involved. During the same period other dealers served notice to cooperative suppliers that annual contracts were not to be renewed. The losses of contracts affected member milk directly, but indirectly had comparable effects on nonmember milk. In either situation, however, frantic scrambling for market outlets might have resulted if cooperative facilities had not been available. Such are the seeds of market instability that would likely affect all producers in the milkshed.

To support their view that cooperative facilities were unneeded additions to milkshed plant capacity, critics of these cooperative operations pointed out that no milk was made homeless as supplies increased during the early sixties. The record indicates that availability of cooperative facilities, in fact, provided a market for these increased supplies (as well as the supplies resulting from bankruptcies) in a period when surplus margins under the order were unattractive to proprietary handlers. Data in the record indicate milk used for butter at the plants of producer groups qualified to receive payments jumped from zero in March 1960 to 28 percent of all pool milk used for butter in March 1965. It has since showed further increase to 34 percent in March of 1966 and 50 percent in March of 1967. As the tail end surplus product, butter output has also provided the alternative for much of the milk displaced by recent increases in butterfat imports.

The complete and detailed financial information presented by Northeast Federation at this hearing revealed application of some $700,000 derived from cooperative payments to the surplus operation, about half of which was stock investments. While this use of the funds was actually made in the period since 1962, it represents monies received over the whole period of the current provisions, or about $54,000 per year since 1954. A comparison of the balance sheets of the two predecessors of Northeast Federation showed reserve accounts amounting to 9.09 percent of cooperative payments receipts were accumulated between 1954 and 1964. The insurance of market outlets provided producers was worth far in excess of an annual premium of less than $2 per producer.

Handler spokesmen contended that the benefits from cooperative facilities accrue only to members. Data published by the New York State Department of Agriculture and Markets, however, showed that average payments to producers by proprietary handlers somewhat exceeded those by operating cooperatives in each of the years 1962 through 1965 for the State as a whole. So the benefits of maintaining market outlets hardly seem to benefit members exclusively. If anything, the payments have not been fully compensating.

The constantly changing milk marketing problems facing producers in this large milkshed are not capable of precise listing, except perhaps in retrospect. Furthermore, suitable solutions to these questions are not always available by

the same means. Education also has a great variety of vehicles, often not cast in a formal setting. Needed data and information may require drawing on both formal and informal sources. Yet the benefit to all producers from education and problem solution remains regardless of the means.

Even a clairvoyant specification of marketwide services would not be desirable, assuming that it were possible. To compile a rigid set of unyielding guidelines to services that must be performed would do little to attain the first objective set forth in the partial decision. Effective producer representation requires strengthening of cooperatives, not burdening them with unnecessary administrative difficulties. It is better to set forth broad guidelines, placing the responsibility on the cooperatives to identify the activities necessary to attack current problems. Suitable rules and regulations can be used to provide more specific details if and when needed.

Some testimony on the record contended that cooperatives would undertake most, if not all the activities not now listed in the order even in the absence of pool payments. Such arguments miss the point. Principles underlying cooperative payments, as reaffirmed in the partial decision, seek not only to assure that cooperatives continue to provide services of benefit to all producers but also to maintain equity between returns to members and nonmembers. To suggest that qualified groups should render some of these services without recompense flies in the face of one of the intended purposes of these payments.

The record thus does not support the conclusion that marketwide services should be strictly specified, nor that use of the payments should be limited to itemized services. The needs for services on behalf of all producers are far too varied and dynamic to impose such inflexibility upon response by qualified producer organizations. It is more desirable to encourage efficiency in the performance of desirable marketwide services by other means. Modification of procedures for reporting, discussed below, are means that can be used without destroying the major benefits to all producers provided by present flexibility of action accorded to participating cooperatives.

The order should indicate clearly the types of services that are marketwide in nature even though specific enumeration of all such services in the order is impractical, as noted above. Therefore, in the amended order accompanying this decision, marketwide services are defined as services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order. This is consistent with findings in the partial decision that "certain activities of cooperatives are necessary for effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members." In addition, this definition recognizes the need for flexibility of action by cooperatives on behalf of all producers.

An additional category of required services also should be included in the order. Therefore, the amendments require that cooperatives or federations receiving payments engage in other marketwide services for the improvement of market conditions, such as aid to public officials in formulation of public policy and participation in other Government programs that affect marketing of the milk of all producers in this market. This change places specific responsibility on the cooperatives to identify current marketing difficulties regardless of their nature and to use their best efforts to eliminate them.

Producers in the New York milkshed cannot ignore the adjacent or related orders. The functioning of Orders 1, 15, and 4, and the intermingling of production and the interrelationship of marketing areas among these orders are matters of direct impact. Order 2 cooperatives have members under several such orders, but it is often their Order 2 members whose interests, as well as all Order 2 producers, are of primary concern in the consideration of amendments to those orders.

In addition, issues in the Midwest or other distant order hearings may establish decisions or precedents which are of vital interest to Order 2 producers.

Order litigation is an important, and may be a very expensive service. Many court cases have considered the New York-New Jersey order and adjacent orders. The services rendered by cooperatives which have benefited all producers in such litigation are valuable marketwide services and should be recognized as such.

Governmental officials often depend upon the advice and consultation of informed marketing experts for guidance in administering their regulatory programs. Such services may be related only indirectly to the provisions of the order, but are nevertheless necessary if the order is to provide the orderly marketing intended by the Agricultural Marketing Agreement Act of 1937. For example, recent activities by the cooperatives to prevent continued evasion of the import laws on butterfat were important in bringing about effective governmental action which stabilized the market. Dr. Park, in his thesis stated "Legislative activities are certainly marketwide in the sense that both members and nonmembers benefit more or less equally, but such services may or may not be related to an order. For example, the activities of a cooperative pertaining to an amendment of the Agricultural Marketing Agreement Act of 1937 would certainly be directly related to an order. But, if the legislative activities pertained to animal disease or general farm legislation, then such activities could hardly be deemed reasonably necessary for the proper functioning of an order. Thus, according to the definition of marketwide services, legislative activities are defined as marketwide only when such activity is directly related to an order."

The recognition of such services given by Dr. Park should be broadened somewhat to include those marketwide services which promote or tend to promote orderly marketing and benefit all producers. For example, activity of the cooperatives during the past year was helpful in the enactment of a state law in New York permitting the standardization of milk. This was an important marketwide service which would not have been included in Dr. Park's narrow definition because it was not order related. Nevertheless, the enactment of the standardization bill was necessary so that the order could be amended to return to producers the full value for their milk.

Several changes also are needed in the service that is required of a cooperative or federation receiving an additional payment on the basis of the operation of marketing facilities. Among other things these will require that such cooperatives or federations maintain a certain amount of processing capacity. These modifications will be discussed in detail under III B of this decision. This amendment also places specific responsibility on the cooperatives to maintain an organizational structure capable of identifying current marketing difficulties and choosing avenues of approach consonant with the best interests of producers. In this manner, it is intended that the qualified organizations continue to use their best efforts to maintain a stable and orderly market in the interest of all producers.

II. *Amount and method of payment.* The payment to cooperatives or federations for the performance of marketwide services should remain at present levels.

Two reference points may be useful in determining the level of payments to be made to cooperatives under this program. First is the consideration of what the desired services are worth to producers. An upper limit to the payment may thus be indicated. The second is an estimate of the cost incurred by cooperatives in performing these functions for all producers. In the latter we are faced with a minimum payment required to fulfill the principle of equity. Neither of these limiting factors, cost and value, are subject to precise calculation but some estimates can be made and examined.

A. *Value of marketwide service.* Many of the cooperative activities on behalf of all producers have intangible, but nontheless valuable, benefits. Such services include information, research, and education as well as participation in order proceedings. For example, the qualified groups by virtue of their organizational structure and expert personnel have been able to help milk producers in the milkshed become much better informed on milk marketing issues than they were before these provisions went into effect. Enlightened producer participation provides the foundation for a strong and effective order program.

Research and analysis of marketing problems not only has contributed to

producer understanding but also has formed the necessary basis for participation by producer groups in order hearings and other suitable forums. A current example of this type would include their participation in a study group concerned with a possible Class I base plan for the milkshed. The economic effects of acceptance or rejection of such a plan could be of considerable significance to all producers. Other examples include appearances made recently before a Congressional committee and the Federal Tariff Commission in the matter of butterfat import quotas.

Moreover, activity by qualified cooperatives provided valuable information and expertise necessary relating to the recently enacted New York milk standardization statute.

Useful services to all producers also may be found in the informational services of cooperatives. Press and radio news services look to these organizations as a major source of information concerning the dairy industry. The cooperatives are called upon for an expert interpretation of dairy production and marketing data as well as changes in the regulations or laws. Without such translation, the general press and radio reporters could not be expected to have the specialized knowledge for accurate reporting to the public.

In short, the benefits of the market stability obtained by means of producer education, representation and knowledge is not always measurable in dollars although monetary value derives from it. Nor do the benefits of welding more than a hundred cooperatives into three easily convert to financial terms even when one takes into account that cooperative manufacturing facilities thereby become possible. Yet perhaps the greatest value to producers of cooperative activity is the resulting stability.

The benefits of direct participation by the qualified cooperatives in the regulatory program are of a more tangible nature. Activity such as proposals for amendment, suspension, or termination of order provisions, and participation in the various order hearings and meetings is of obvious concern to all producers.

While it is difficult to place a precise value on such activity, it is possible to estimate the financial importance of some of the issues involved. Between 1955 and 1963, a series of amendments and suspensions to the Class I pricing provisions of the order added an estimated $8 million to producer returns. This included $3 million added to farm receipts in the last three months of 1960 as the result of a Class I suspension action.

Also important are potential losses that do not occur. For instance, tentative order changes in 1960 would have placed a ceiling on the Class I price by relating it to the Midwest condensery price. Because the amendments were not made, reduction of producer incomes estimated to be in excess of $5 million were averted. Unfortunately, it is not always possible to arrive at figures to fully account for the effects of price declines that would have occurred in the absence of effective cooperative action.

The value of other cooperative efforts somewhat more removed from the formal regulatory procedure may also be gauged. The cooperatives collectively obtained a superpool agreement for a 3-month period in 1955 to improve producer returns. This amounted to some $2 million in terms of producer milk checks. Moreover, not only did the cooperatives participate significantly in providing for farm point pricing of bulk milk under the order, but their joint action has generally maintained that price throughout the milkshed despite later amendments permitting a 10-cent per hundredweight service charge. Handlers have thus absorbed some $21 million in the hauling costs for bulk milk for 1962 through 1964 alone.

The farm point pricing feature has not benefited bulk shippers alone. Protection has also been afforded can producers by alleviating the severe pressure otherwise likely to have forced them to convert to bulk or sell out. As a result, conversion to bulk has been largely by economic attraction rather than force. The fruits of technological advance are thus shared with all producers and with dealers.

The above estimates cover only a part of cooperative activity during the period from 1955 through 1964. Yet the total of more than $35 million in known benefits to all producers exceed the total payments made to cooperatives for these services during the entire history of the current provisions. In addition, the value of the indirect benefits has been substantial.

B. *Cost of marketwide services.* Throughout this hearing considerable emphasis was placed on discussion of the costs incurred by cooperatives in providing services of a marketwide nature. While some of this discussion was mired in semantics due to differences in the proposed definition of services (discussed above), substantial evidence on costs was placed in the hearing record.

In the earlier portion of the hearing, attention in this regard centered around the results of a thesis made as the subject of the doctoral dissertation by Dr. William L. Park entitled "Compensation of Milk Producer Cooperatives for Marketwide Services Under Federal Milk Orders". The author, now associated with a nearby land-grant university, was an employee of the market administrator during the conduct of the thesis. The thesis included tables showing expenditures by the organizations receiving cooperative payments allocated to various market service categories. The categories included: (1) Membership and association activities, (2) education and information services, (3) order activities, (4) legislative services, and (5) administrative overhead. (Data updating these tables were prepared by the market administrator and placed in the record. This updated material was based on the original techniques used by Dr. Park.)

Not all expenditures made by the cooperatives were included in thesis data, nor were allocations limited to amounts received under order provisions. No monies identified as being spent on operation of plant facilities were included, nor were expenditures at the local level of the organizations. Any additions to reserves were also ignored. Portions of expense in direct relation to nonpool membership of cooperatives, where applicable, were also eliminated.

Evidence of cooperative expenditures for marketwide services in the reopened hearing is considerably more elaborate than in the first part of the hearing. The two major proponents supporting cooperative payments submitted more extensive data on expenditures of their organizations. Dairymen's League Cooperative Association, Inc., provided an allocation of cooperative expenditures to the marketwide services it performs; Northeast Dairy Cooperative Federation, Inc., provided detailed basic accounting data for their whole organization, including operations. Eastern Milk Producers' Cooperative Association, Inc., a third recipient of cooperative payments but opposed to their continuation, did not submit any of its accounting data.

In making their allocations, the Dairymen's League Co-operative Association, Inc., selected four principal service categories: (1) Policy development relative to market order, legislative, and industry matters, (2) amendments to Order 2 and related orders, (3) activities related to consideration of state and Federal legislative matters, and (4) informational services to producers, consumers, and related persons. Only a portion of total cooperative expenditures were allocated to these groupings, but the sources of allocated amounts were discussed fully.

Spokesmen for a trade association of proprietary handlers and two cooperatives principally based in neighboring markets also submitted limited data on their own costs. Because of the differences in circumstances, however, these data appeared of little use in coping with the problem at hand. Comparison of the costs for sending out a newsletter designed for handler use, for example, has little relation to the costs of providing producer education and information. Nor does the expenditure for order participation or producer education by a cooperative whose primary interest and concern is a market having a few thousand producers or several score handlers have much relevance to costs likely to be incurred in this market.

The relationship between the activities of cooperatives and the marketwide services to which they relate is a source of considerable difficulty. The services specified in the order generally involved more than a single subdivision of activity of a cooperative. For example, the analysis of marketing problems may simultaneously involve economic, legislative, policy and operating personnel, etc. At the same time, the general areas of activity in which a cooperative is involved may be of a marketwide nature part of the time and of nonmarketwide nature the rest of the time. Field services are a good example; at times field staff members carry out information and education activities, at other times they may

perform direct services for members of the cooperative.

This difficulty in finding demarcation lines in cooperative activity is further complicated when applied to allocation of expenditures. First, there are expenses not specifically related to any service function, the so-called overhead items. Then there are expenses that are associated with several identified services. Both these problems remain even after one solves the primary difficulty of separately defining cooperative services to which expenses are to be allocated.

In his thesis, Dr. Park dealt with the allocation problem by choosing five categories of service performed by cooperatives. Two of these, entitled "Membership and Association Activities" and "Administrative Overhead", were broad enough to include all items not fully assigned to the other three. No attempt was made to reallocate overhead to the specific service accounts. Moreover, while each of the specific accounts included expenditures for activities defined by the researcher as marketwide, two of the four embraced some costs for services beyond the scope of the strict definition applied. Clearly, these data were not intended to isolate cooperative outlay required in the performance of marketwide services.

Allocation problems are further complicated when aggregations are involved. The three qualified cooperatives are quite different in structure, function, and accounting methods. One is a highly integrated operating cooperatives with both pool and nonpool facilities and membership. A second is a federation of many local operating and bargaining cooperatives that owns two manufacturing plants and acts as broker for a large portion of its members' milk. The third group is a centralized bargaining cooperative with members in several orders. Aggregations of accounting data from such diverse groups are difficult to devise and must be interpreted carefully.

The allocation made for the reopened hearing of Dairymen's League expenditures was made by their former Comptroller, a man of 30 years experience with the organization. Allocations were made on the basis of this individual's intimate knowledge of both the accounts and activities of the League. His data allocated to marketwide services about one-third of the noncommercial expenses of the cooperative for their fiscal year ending March 31, 1966. No costs for the operation of marketing facilities were included in the allocations made.

Financial data submitted by Northeast Dairy Cooperative Federation, Inc., as placed in evidence by their accounting consultant, were not broken down on the basis of specifically defined services. Their accounts for the 1966 calendar year, however, were separated into two major groupings identified as operating and service. The first of these relates to operation of their manufacturing plants and fluid brokerage division. The latter account concerns all other services to producers. Transfers from the service to the operating divisions were also shown. Some of this involved investment in plants and equipment and some to cover operating losses. Nearly all income to the service division was derived from cooperative payments except for producer investment in operations. The latter were simply funneled through the service accounts.

Northeast took the position that all of its cooperative payments receipts were expended on marketwide services. This included about 1 cent per hundredweight applied to plant operating losses during the past year. Brief submitted by this group also suggested means to allocate their accounts in a manner similar to that of the League.

The Federation is the product of the merger of two smaller federations of cooperatives. Both the merged group and its predecessors were, in fact, products of the cooperative payments provisions themselves. These provisions were specifically designed to encourage the development of larger cooperatives, or federations of cooperatives. Moreover, dues paid by members go directly to pay expenses of running the local groups and provide direct services to members. When the federation provides such services, their accounts show payment received from the local group. In short, the central organization has been concerned primarily with services of a marketwide nature. Establishment of the operating division did not alter appreciably this situation.

Inclusion in the record of the detailed accounts of these two organizations, along with explanatory data, provides opportunity to examine the cost of these services of an individual basis.

In the Park thesis, activities identified as order activities, education and information services, and association activities were held to be marketwide services, as defined therein. Membership services (by definition, those activities not benefiting nonmembers) were not deemed to be marketwide service. The author also felt that legislative services, while benefiting all producers in a similar manner, were not always clearly within his definition of a marketwide service.

The Park data, however, were not allocated according to his definition of marketwide and nonmarketwide categories. Expenses on membership activities, for example, were included with those on association activities (a marketwide service). Both marketwide and nonmarketwide legislative service costs were also included in a single category. Costs of commercial operations were ignored entirely.

Allocations placed in the record by the Dairymen's League were suggested by them as suitable allocations to marketwide services for their 1965–66 fiscal year. Close scrutiny indicates that the allocations used did not depart greatly from the definitions suggested by Park. In this case, however, joint costs attributable to marketwide and nonmarketwide services were divided carefully on the basis of the best judgment of the witness from his intimate knowledge of accounts and internal procedures of his organization.

As noted previously, Northeast accounting data for 1966 were also made available. It is feasible (especially as suggested in the brief of this organization) to allocate this data in a manner similar to that of the League.

Northeast allocations take into account amounts used to defray losses in operations of marketing facilities, a category not included in the League data. For the year 1966, $265,000, or approximately 1 cent of the 4 cents per hundredweight payment to Northeast, was applied to such losses. Total losses in the Operating Division were shown in excess of half a million dollars, or somewhat over 6 cents per hundred pounds of milk handled.

A comparison of such allocations for the two organizations may be made:

	Northeast Jan. 1, 1966–Dec. 31, 1966	League Apr. 1, 1965–Mar. 31, 1966
1. Policy development relative to market order, legislative, and industry matters	$115,297	$325,741
2. Amendments to Order 2 and related orders	132,755	134,675
3. Activities related to consideration of State and Federal legislative matters	62,820	128,907
4. Education services to producers, consumers, and related persons	474,408	608,816
5. Manufacturing plant maintenance	264,568	(1)
Total	1,049,848	1,198,139

[1] None submitted.

Amounts allocated to work on amendments to Order 2 and related orders were about the same for both groups. This is not surprising in view of the basic similarity of activity involved. For all other categories League amounts are greater than those assigned for Northeast.

For policy development the League costs listed are more than double those of the Federation. This is not surprising since the centralized League organization requires a rather complex structure. Northeast, as a federation, has a relatively simple structure based on delegates from the local member cooperatives. (It should be noted that expenditures for meetings at the local level would not be included in Federation accounts since local dues are used for this purpose.)

Amounts indicated as spent by Northeast on legislative matters were about half that for the League. This would indicate that the latter is more active in this field than the Federation. The record, in fact, describes in detail the considerable effort put forth by the League for aid to legislators in drafting of bills and providing of other specialized information.

League expenditures for informational services deemed of a marketwide nature were also in excess of those indicated for Northeast. The League has developed a sophisticated program of education for its officers, members, youth group, ladies affiliate, nonmembers, and other interested parties that merits considerable praise. It is not surprising that the younger federation has a somewhat

simpler educational program. The federation structure itself probably requires a somewhat different type of program. It is likely that its educational procedures will change as the organization develops.

Analysis of these allocations of expenditures provides no basis for the conclusion that payments to cooperatives for services to all producers should be reduced. Moreover, taking into account the amount of operating losses sustained by Northeast, and very likely the League as well, it would appear that current payments may be very conservative from an equity standpoint.

It was proposed by Northeast that the payment for operation of marketing facilities should be increased 1 cent per hundredweight in order to offset the heavy losses incurred in surplus operations. Under present conditions such an increase might have some merit. However, these rates should be made applicable for a long-term basis. Thus it seems suitable to continue the payment for operation of marketing facilities at the present relatively moderate level.

Building of a reserve fund is necessary for effective operation of a cooperative. Testimony on the record shows rare agreement on this point. Moreover, the cooperatives are to be commended for placing unneeded funds aside, regardless of source. Such reserves proved useful in dealing with the crisis stemming from the tremendous increase in supplies early in this decade that led to acquisition of the two Federation plants.

C. *Calculation of payment.* Certain modifications should be made in the method of computing payments to eligible cooperatives or federations. Each eligible cooperative or federation should receive an amount equal to 3 cents per hundredweight of receipts represented by its members' milk.

Each cooperative that otherwise qualifies, and also operates marketing facilities at which is received at least 25 percent by weight of its members' milk and maintains processing facilities capable of handling a million pounds per day but not less than 10 percent of its members' milk should receive from the producer-settlement fund an additional one cent per hundredweight of receipts represented by its members' milk. A federation also should receive the 1-cent increment if at least 25 percent by weight of milk delivered by members of its federated cooperatives is received at pool plants or bulk tank units operated by a member cooperative of the federation or by the federation itself, provided that the federation or its member cooperatives maintain processing facilities capable of handling 1 million pounds per day but not less than 10 percent of members' milk.

The present rate structure provides for payment of two cents per hundredweight of member milk to an eligible cooperative with at least 4,000 members. A 3-cent rate applies to the organization with more than 6,000 members. In the partial decision issued earlier, the requirements for the minimum size of cooperative eligible for payments was changed from 4,000 members to total membership of at least 15 percent of all pool producers. In essence, the number of members required for qualification thus has been raised in terms of present pool numbers. (Fifteen percent of 1966 average number of pool producers was equivalent to 5,461 members.)

It was suggested at the hearing that rates based on pool value be used. It was proposed that they be graduated so that payments to a cooperative would increase in less than direct proportion to its size. This was intended to take into account the possibility of cost economies related to size in performance of the services. It does not seem desirable, however, to complicate the provisions unnecessarily by adopting these proposals. There was no evidence of economies of size shown on the record. In fact, such economies seem quite unlikely in the type of services here involved. Moreover, this method would also tend to remove the more important incentive to increase cooperative membership in the milkshed.

The change in size requirements, however, does remove the need for differentiating the rates according to the size of organization. Thus a single rate should be used for eligible associations not engaged in operation of marketing facilities. A qualified cooperative should receive a payment equal to 3 cents per hundredweight of receipts represented by milk deliveries of its member producers. A federation also should receive 3 cents per hundredweight of receipts delivered by producer members of its federated cooperatives.

Under current provisions an eligible association that also meets the requirements for operation of marketing facilities may receive an additional cent per hundred pounds of member milk. The additional payment for operation of plant facilities should be continued. (See IIIB below for discussion of requirements.) Value and cost of cooperative plant operations have been discussed previously. Certainly the added value to all producers of the services performed by an association operating such facilities is sufficient to warrant the modest increment of payment set forth in this decision. Moreover, the additional payment is mandatory if we are to attain equity of returns as intended by these provisions.

On the basis of the hearing record it is evident that the cost of rendering the required marketwide services has been at least equal to the amount of the payments received by the qualified cooperatives. Considering the requirements set forth in this decision expenditures by the cooperatives for marketwide services will continue to equal or exceed the amount of the payments.

III. *Other modifications.* The order also should be modified to:

(1) Require certain public reports by cooperatives receiving payment.

(2) Modify the requirements in regard to additional payments to cooperatives on the basis of the operation of marketing facilities.

(3) Provide for certain miscellaneous changes related to the cooperative payments provisions.

A. *Public disclosure.* The record established that there is a need for more adequate public disclosure concerning the use of the funds paid to cooperatives under these provisions. Since all producers have an equal interest in the producer-settlement fund from which such payments are made, information on the use of payments for marketwide services should be available to all producers. While it is true that roughly 70 percent of the amount paid to cooperatives for marketwide services has been contributed by members of the associations receiving such payments, the program is designed to serve all producers. Regardless of cooperative affiliation, all producers also should be kept informed of their collective financial contribution to the various aspects of this program and the nature of services performed. For this reason, each qualified cooperative should make public, in accordance with rules and regulations issued by the market administrator, a complete annual report of its activities on behalf of all producers. This report should include relevant data on the receipt and use of cooperative payment funds.

Allocations of expenditures should be made to various categories of marketwide services. Narrative description of services rendered should be ordered in a similar manner. Categories of service and such other specification of the public report should be in accordance with rules and regulations issued by the market administrator.

In addition, the annual report to the market administrator should include a detailed report of the prior annual activity. Basis for allocations of expenditures filed in the public report also should be explained. All data in both reports shall be subject to verification. Prior to its issuance, the public report shall be submitted to the market administrator for certification. After verification, the market administrator shall certify that the report is, to the best of his knowledge, accurate and in accordance with the rules and regulations which he has established. Such certification shall be published with the report.

In order to assure that the qualified organizations continue to plan and administer a well-organized and adequate program, each organization also should submit annually to the market administrator, in accordance with the rules and regulations, a brief description of its program of marketwide services for the coming year, including a proposed budget.

These new provisions for public disclosure of the receipts and use of cooperative payment funds will provide an opportunity, in a manner not heretofore available, for a critical anaylsis by interested parties of cooperative activities under this program. To further assure that interested parties are adequately informed as to the expenditures of such funds, they may be reviewed under the provisions of § 1002.89(i).

B. *Requirements in regard to marketing facilities.* The order now provides for an additional payment to be made to a cooperative that operates marketing facilities, i.e., pool plants, because of the added value of the services performed by such an association.

It is desirable that the cooperative payments program continue to recognize the added value of services provided by a cooperative directly engaged in marketing the milk of its members without placing an incentive on the retention of unneeded facilities. It was pointed out during the hearing, that recent technological changes have led to the closing of many country plants. These payments to cooperatives should not encourage the maintenance of inefficient or unnecessary plant facilities. Nevertheless, a cooperative that is directly engaged in the daily process of marketing the milk of its members does perform services to the whole market that are of greater value than the services rendered by an association whose activities are more remote from the actual marketing process. The source and nature of the added value of these marketwide services have been discussed previously. As conversion to bulk handling continues, country plants designed to receive can milk are being replaced by direct shipment of bulk tank milk. Under such circumstances, pool bulk tank units frequently become the equivalent of the pool plants that are closed. Moreover, the cooperative operating bulk tank units is engaged in direct marketing on a daily basis.

Under the provisions hereinafter set forth qualification of cooperatives for the added payment based on marketing facilities should take into account both pool plants and pool bulk tank units operated by applicant cooperative or federation.

It was suggested in the latter part of this hearing that a cooperative eligible to receive the supplemental payment for operations also should be required to own and operate surplus facilities of a certain minimum capacity. The value of such cooperative facilities has been recognized previously in this decision.

The cooperative that operates marketing facilities to handle the milk of its members directly assumes the obligation for disposing of that milk on the market. Having assumed such obligation, the association should equip itself for the job by acquiring any necessary physical equipment such as bulk tank pickup trucks, receiving plants, and processing facilities as well as establishing the all important business contacts of both a formal and informal nature. It thus acquires the physical means to be better able to provide an alternative outlet to producers when circumstances require emergency action of this nature.

From the standpoint of all producers the maintenance of cooperative processing facilities is of critical importance. For this reason, the cooperative receiving this additional payment should be required to maintain a level of processing capacity under its control that would be expected to meet this need. Because of the large volume of milk produced for this market, such required processing capability should be substantial. The largest plants in the milkshed are capable of handling 1 million pounds of milk per day. A cooperative receiving additional payments from the pool because of the value accruing from marketing ability should be required to maintain facilities capable of handling this capacity but not less than 10 percent of their members' milk.

It was alleged at the hearing that the proprietary plants rendered the same balancing service as cooperative plants. However, this contention was refuted by the evidence submitted relative to the receipt of milk by proprietary vs. cooperative plants. The receipts of milk by Dairymen's League and Northeast and the increasingly large proportion of the Order 2 milk converted into butter and powder by these organizations during periods of unfavorable margins demonstrated the unique balancing function served by these facilities. The Dairymen's League took milk directly from nonmember producers in some of their facilities. The maintenance of such facilities should not be construed to mean free use by nonmembers. As indicated previously, nonmembers received substantial benefits indirectly from such facilities even though they may not market any of their own milk through such plants. Facilities maintained by cooperatives or federations receiving an operating increment should continue to serve all producers. Such associations should be required to receive nonmember milk on a temporary basis at the generally prevailing arrangements for such services in the market. A handling charge may be necessary to provide reasonable equity between members who have made greater investments in such facilities than nonmembers. All producers have contributed to marketing facilities through cooperative payments but members have made additional capital investments in order to assure that orderly marketing conditions shall prevail.

At least one witness testified to the current and potential problems associated with imported butterfat-sugar mixtures and with substitutes. Rendering services on these matters by cooperatives has taken several forms. Some action was taken by testifying before Congressional committees and the Federal Tariff Commission with respect to import quotas while on the other hand cooperatively owned marketing facilities have absorbed some of the milk displaced by imports.

C. *Miscellaneous changes.* During the period that the current provisions have been in effect, each of the two qualified cooperatives has devised an affiliation program whereby other cooperatives may join with it in order to undertake collective action on a formal and continuous basis. The additional unity of effort to be gained through such a program is desirable and should be encouraged as a means to provide greater services on behalf of all producers. Analogous concerted efforts by cooperatives by means of federation agreements have been fostered under the present payment program and the provisions should be extended to include this new vehicle of cooperation. A cooperative thus should be eligible to apply for payments based on the membership of its affiliated cooperatives as well as its direct membership. Payments should be made on the basis of such affiliation provided the arrangement meets requirements similar to those required of a federated-type of organization.

The present order prescribes the method whereby the market administrator shall take action to "disqualify" a cooperative or federation no longer deemed eligible to receive payments. There is an undesirable stigma associated with this term "disqualification", however, which may be construed by some to imply illegal actions or dishonesty on the part of the organization being declared ineligible. Generally, disqualification does not stem from this type of unsavory action, but rather it is a result of a change in status associated with the rate of payment or the voluntary dissolution of a federated cooperative. The words "designation" and "removal of designation" should be substituted for "Qualification" and "Disqualification" to prevent unintentional misunderstandings of the nature of the official action.

Currently the order enumerates certain conditions whereby a qualified federation may become ineligible for that portion of its payments based on membership, milk, or operation of a noncomplying federated cooperative. Partial disqualification is also provided for both cooperatives and federations under the provisions that accompany this decision.

The present provisions were criticized on the record on the basis that qualified groups were encouraged to raid each other for additions to membership. While transfers of membership may be expected to occur, little concrete evidence of intentional cross-solicitation was shown. It was alleged also that payments currently provide an incentive for cooperatives to draw nonpool producers into the pool regardless of fluid needs of the market. Again the record does not provide substantiation of the charge.

It is desirable that cooperatives continue their efforts to increase membership. These provisions, however, should encourage them to concentrate their activities on producers for this market who have not yet joined a cooperative. Certainly the payment should not provide an incentive for adding unneeded supplies to this market. Therefore, an organization should not receive payments based on the membership or milk deliveries of any producer before he has been a pool producer for at least a year.

Similarly, payments should not encourage solicitation of producers who already belong to a cooperative. Hence, payments should not be made to an organization based on the membership or milk deliveries of a producer for a period of 1 year after he has ceased to be an active member of another cooperative or federation. This should not be

construed to prevent mergers between, or reorganizations within, designated organizations. Nor should this provision be construed to penalize the affiliation, federation or merger of a cooperative not previously included in the basis for any payments.

Present provisions prohibit counting a producer more than once in determining membership of the various eligible cooperatives or federations. Nor may more than one organization receive payments based on the same milk delivered by a producer. This principle will be continued and extended somewhat under the waiting period required in the amendments accompanying this decision.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

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

GENERAL FINDINGS

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

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

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

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

(d) The terms and conditions in the amendments are incidental to, and not inconsistent with, the terms and conditions specified in subsections (5)–(7) of section 8c of the Act (7 U.S.C. secs. 608c (5)–(7)) and necessary to effectuate the other provisions of the order.

(e) The terms and conditions in the amendments are necessary in the circumstances to accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in the relevant Acts of Congress, and as will tend to promote efficient methods of marketing and distribution.

RULINGS ON EXCEPTIONS

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

Several cooperative associations based in neighboring Federal order markets requested either the adoption of the January 19, 1967, recommended decision or immediate reopening of the hearing to consider the adoption of similar cooperative payment provisions in the other Federal orders throughout the Northeast. The request to adopt the findings and conclusions of the January 19, 1967, recommended decision is hereby overruled for the reasons previously stated in this decision.

To reopen the hearing for the purpose of considering the amendment of other orders would tend to delay the completion of this proceeding. The completion of this proceeding will not materially affect the consideration of similar provisions for such other orders. Since the rates of payments provided herein for a New York-New Jersey cooperative or federation of cooperatives are not significantly different from the rates of payments being made under the current provisions, the prompt completion of this proceeding will not tend to materially affect the relationships which exist between New York-New Jersey cooperatives or federations and similar organizations in neighboring markets. Accordingly, the request to reopen the hearing is hereby denied.

MARKETING AGREEMENT AND ORDER

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

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

DETERMINATION OF REPRESENTATIVE PERIOD

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

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

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the New York-New Jersey Marketing Area

§ 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 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 market supply and demand for milk in the said marketing area, and the minimum prices specified in the order

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

as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

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

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 amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the revised recommended decision issued by the Deputy Administrator, Regulatory Programs, on March 29, 1968, and published in the FEDERAL REGISTER on April 3, 1968 (33 F.R. 5304; F.R. Doc. 68-3988), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

1. The section number § 1002.81 wherever it appears therein is changed to § 1002.89 and the reference to § 1002.11 is changed to § 1002.10, both to conform with the revision of the format of the order as amended effective July 1, 1968 (33 F.R. 8201).

2. A proviso is added in paragraph (a)(5)(iii) and in paragraph (l).

3. A phrase is deleted in paragraph (b)(1)(i).

Section 1002.89 is revised to read as follows:

§ 1002.89 Cooperative payments for marketwide services.

Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a state; is qualified under the Capper-Volstead Act (7 U.S.C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives which is duly incorporated under the laws of a State.

(3) "Federated cooperatives" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Affiliated cooperatives" means a cooperative upon whose entire membership another cooperative, by mutual consent, is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(5) "Member producer" means, when used with respect to a cooperative or federation which is an applicant for or is receiving payments, is a producer as defined in § 1002.6 who has met the following conditions:

(i) He is a member of the cooperative or one of its affiliated cooperatives, or in the case of a federation, he is a member of one of its federated cooperatives from whom the cooperative, affiliated cooperative, or federated cooperative is receiving at least 1 cent per hundredweight of milk delivered by him: *Provided,* That the cooperative of which he is a member is meeting the requirements of this part applicable to it;

(ii) He has been a producer, or his farm, as defined in § 1002.10, had been the farm of a producer for at least a prior 12-month period; and

(iii) He has not for a prior 12-month period been a member producer of another cooperative or federation: *Provided,* That in the case of membership transfers resulting from mergers of designated organizations, or from affiliation, federation or merger of cooperatives not previously meeting the definition of (a)(3) or (a)(4) of this section, this subdivision shall not apply.

(6) "Marketwide services" means services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order; such services are not limited to those specified in subparagraphs (1) through (6) of paragraph (e) of this section and may include services directly or indirectly related to the order.

(b) *Designated cooperatives and federations.* A cooperative or federation may submit an application to the market administrator for payments under the provisions of this section or for modification of the basis of a previous designation. In accordance with the requirements of the rules and regulations issued by the market administrator, such application shall include a written description of the applicant's program for the performance of marketwide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the marketwide services; and the application shall contain a statement by the applicant that it will perform the required marketwide services for which it is applying for payments: *Provided,* That in the case of an application for modification of the basis for a previous designation the market administrator may waive the requirement for submission of the written description of the programs. The application shall set forth all necessary data so as to enable the market administrator to determine whether it meets the designation requirements with respect to the payments for which the application is submitted. An application shall be approved by the market administrator only if he determines that:

(1) In the case of a cooperative;

(i) It has as member producers not less than 15 percent of all producers, as defined in § 1002.6;

(ii) It has contracts with each of its affiliated cooperatives under which the cooperatives agree to continue as affiliated cooperatives for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which member producers of the affiliated cooperative are to be included within its membership for cooperative payment purposes;

(iii) It receives from each of its affiliated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperatives; and

(iv) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, the cooperative or its affiliated cooperatives operate marketing facilities, i.e., pool plants and pool bulk tank units, at which is received at least 25 percentum, by weight, of all milk delivered by its member producers; and, in addition, the cooperative or its affiliated cooperatives control processing facilities capable of handling at least 10 percentum, by weight, of all milk marketed by its member producers: *Provided,* That such processing facilities must be capable of handling not less than 1 million pounds of milk daily: *Provided further,* That the cooperative must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for acceptance of milk from its own members.

(2) In the case of a federation:

(i) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes;

(ii) It has as member producers not less than 15 percent of all producers, as defined in § 1002.6;

(iii) It receives from each of its federated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperative;

(iv) If the application is also for an additional payment under subparagraph (4) of paragraph (f) of this section, the federation or its federated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers; and, in addition, the federation or its federated cooperatives control processing facilities capable of handling at least 10 percentum, by weight, of all milk marketed by its member producers: *Provided,* That such processing facilities must be capable of handling not less than 1 million pounds of milk daily: *Provided further,* That the

federation must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for such acceptance of milk from its own members.

(3) The applicant cooperative or federation demonstates that it has the ability to perform the marketwide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of designation or denial; effective date.* Upon determination by the market administrator that a cooperative or a federation shall be designated to receive payment for performance of the marketwide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for marketwide services, the market administrator determines that the cooperative or federation is not qualified to receive such payments he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued designation.* From time to time and in accordance with the rules and regulations which may be issued by the market administrator, each designated cooperative or federation must demonstrate to the market administrator that it continues to meet the designation requirements for the payments and is fully performing the marketwide services for which it is being paid.

(e) *Marketwide services.* Each cooperative or federation shall perform the marketwide services enumerated in this paragraph. Such services shall include: (1) Analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; (6) in the case of a cooperative or federation which receives an additional payment under subparagraph (3) or (4) of paragraph (f) of this section, operating marketing facilities, or having affiliated cooperatives or federated cooperatives that operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers; and in addition, controls, or having affiliated cooperatives or federated cooperatives that control processing facilities capable of handling at least 10 percentum, by weight, of the milk marketed by its member producers: *Provided,* That such processing facilities must be capable of handling at least one million pounds of milk daily: *Provided further,* That the cooperative or federation must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for such acceptance of milk of its own members; and (7) performing such other services as are needed to maintain satisfactory marketing conditions and promote market stability.

(f) *Rate, computation, time, and method of payment.* (1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 25th day of each month, shall make payment out of the producer-settlement fund, or issue equivalent credit therefore, to each cooperative or federation which is designated for such payments for marketwide services. The payments to a cooperative or federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its member producers, subject to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 3 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph.

(3) Any cooperative that operates marketing facilities or whose affiliated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers, and, in addition, controls, or has affiliated cooperatives that control, processing facilities capable of handling, at least 10 percentum, by weight, of the milk marketed by its member producers but not less than one million pounds of milk daily shall receive a payment in addition to that provided for in subparagraph (2) of this paragraph of one cent per hundredweight of all milk marketed by member producers in accordance with subparagraph (1) of this paragraph.

(4) Any federation that operates marketing facilities, or whose federated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers, and, in addition, controls, or whose federated cooperatives control, processing facilities capable of handling at least 10 percentum of the milk marketed by its member producers but not less than 1 million pounds daily, shall receive a payment, in addition to the payment provided for in subparagraph (2) of this paragraph, of 1 cent per hundredweight of all milk marketed by member producers in accordance with subparagraph (1) of this paragraph.

(5) If an individually designated cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specified in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least 1 year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) *Cancellation of designation.* (1) The market administrator shall issue an order wholly or partly canceling the designation of a previously designated cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements of this part: *Provided,* That if one of its affiliated or federated cooperatives has failed to comply with the requirements of this part applicable to it or has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification, the cooperative or federation shall be disqualified only to the extent that its qualification for payments or the amount of its payment are based upon the membership, milk, or operations of such noncomplying affiliated or federated cooperatives.

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator; or

(iii) In the case of the cooperative, it has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing

an equivalent quantity of other producer milk in the preferred classification.

(2) An order of the market administrator wholly or partly canceling the designation of a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed cancellation. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of cancellation without further notice: but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing pursuant to rules and regulations issued by him under paragraph (i) of this section.

(3) A cancellation order issued by the market administrator shall set forth the findings and conclusions on the basis of which it is issued.

(h) *Appeals*—(1) *From denials of application.* Any cooperative or federation whose application for designation has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for designation.

(2) *From cancellation orders.* A cancellation order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been canceled by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer-settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the cancellation order shall be held in reserve until such order becomes final and shall then be returned to the producer-settement fund.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or subparagraph (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: *Provided,* That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Regulations.* The market administrator is authorized to issue regulations and amendments thereto to effectuate the provisions of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall have opportunity to be heard. Not less than 5 days prior to the meeting, notice thereof and of the proposed regulations or amendments shall be published in the FEDERAL REGISTER and mailed to qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least 5 days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section must be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the FEDERAL REGISTER following such approval. The regulations or amendments in tentative form shall be forwarded also to cooperatives and federations designated under this section and to other persons upon request in writing. The Secretary shall either approve the regulations or amendments thereto submitted by the market administrator or direct the market administrator to reconsider the tentative rules or amendments. In the event the market administrator is directed to give reconsideration to the matter, the market administrator shall either issue revised tentative regulations or amendments or call another meeting pursuant to this section for additional consideration of the rules or amendments.

(j) *Reports and records.* Each designated cooperative or federation shall, in accordance with rules and regulations issued by the market administrator:

(1) After submission to the market administrator for verification, make a public report of its performance of marketwide services pursuant to this section, including data on its receipts and expenditure of cooperative payments funds and a description of the marketwide services performed. The report shall contain a certification by the market administrator that the report is, to the best of his knowledge, accurate and in accordance with the rules and regulations which he has established.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of marketwide services and allocations of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for performance of marketwide services for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of this section.

(4) Maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(k) *Notices, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

(l) *Adjustment period.* Any cooperative or federation which was qualified on the effective date of this section, to receive payments pursuant to the provisions of § 1002.89 as effective, referred to in this paragraph as the "former provisions", shall continue to receive payments pursuant to and subject to the conditions specified in such former provisions on milk received during the 100-day period immediately following the effective date of this section; and if such cooperative or federation has applied for designation pursuant to this section at least 80 days prior to the expiration of such 100-day period, it shall continue to receive payments pursuant to the former provisions until such time as the market administrator has ruled upon such application: *Provided,* That a cooperative or federation may be designated to receive payments pursuant to this section within such 10-day period: *Provided further,* That in no event shall a cooperative or federation receive payments under the former provisions for any period following the effective date of designation of the cooperative or federation under this section: *And provided further,* That the waiting periods prescribed in paragraph (a)(5) (ii) and (iii) of this section shall not apply to member producers whose milk deliveries were part of the basis for payments to the applicant under the former provisions immediately prior to designation pursuant to this section. For the purpose and to the extent specified in this paragraph, the provisions of § 1002.89 as effective shall remain in force and effect after the effective date of this section.

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