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Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

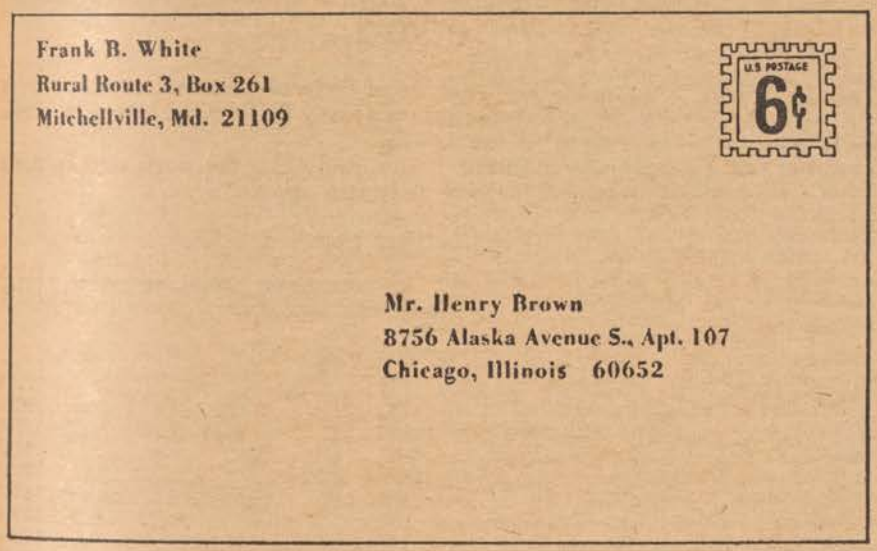
In the daily issue of January 3, 1968 (33 F.R. 26–28) the Post Office Department published a notice prescribing new postal rates which became effective on January 7, 1968, pursuant to Public Law 90–206. It was stated in that document that the Department's regulations would be amended as soon as practicable. The following changes are made to Title 39, Code of Federal Regulations to reflect the above-mentioned provisions required by law.

PART 123—ADDRESSES

I. In § 123.2, paragraph (a) is revised to update the illustration.

§ 123.2 Arrangement of address.

(a) The proper place for the address is in the lower right portion of the address area; postage (stamps or meter stamps or permit imprints) in the upper right corner; and return address of sender in the upper left corner.



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NOTE: The corresponding Postal Manual section is 123.21.

PART 131—FIRST CLASS

II. In Part 131, make the following changes:

A. Sections 131.1 and 131.2(a) are revised to reflect new postage rates applicable for first-class mail.

§ 131.1 Rates.

Kind of mail	*Rate*
All first-class mail weighing 13 ounces or less except postal and post cards. See 136.1(b) for rates on first-class mail weighing more than 13 ounces.	6¢ per ounce or fraction of an ounce.
Single postal cards sold by the post office (see § 141.2(b)(1) of this chapter).	5¢ each.
Double postal cards sold by the post office (see § 141.2(b)(2) of this chapter).	10¢ (5¢ each portion).
Single post cards (see § 131.2(b)(2) of this chapter)	5¢ each.
Double post cards (see § 131.2(b)(2) of this chapter) (reply portion of double post card does not have to bear postage when originally mailed).	10¢ (5¢ each portion).
Business reply mail (see § 131.2(c) of this chapter):	
Cards	7¢ each.
Other than cards:	
Weight not over 2 ounces	6¢ per ounce or fraction of an ounce plus 2¢ per piece.
Weight over 2 ounces	6¢ per ounce or fraction of an ounce plus 5¢ per piece. Over 13 ounces air parcel post rates plus 5¢ per piece.
Airmail	See § 136.1 of this chapter.

§ 131.2 Classification.

(a) *Description.* (1) First-class mail consists of mailable:

(i) Postal cards.

(ii) Post cards.

(iii) Matter wholly or partially in writing or typewriting, except authorized additions to second-, third-, and fourth-class mail.

(iv) Matter closed against postal inspection.

(v) Bills and statements of account.

(2) Written matter includes:

(i) Handwritten or typewritten matter (including identical copies prepared by automatic typewriter) and manifold or carbon copies of such matter.

(ii) Imitations or reproductions of handwritten or typewritten matter, unless mailed at a point designated by the postmaster in a minimum quantity of 20 identical copies.

(iii) Manuscript or typewritten copy. See §§ 135.2(a)(4)(vi) and 135.2(a)(5)(i)(*g*) of this chapter) for certain manuscripts.

(iv) Autograph albums containing writing.

(v) Notebooks or blank books containing written or typewritten entries or stenographic or shorthand notes.

(vi) Blank printed forms filled out in writing or with amounts due, signatures, or other writing such as notices, certificates, receipts, and checks either canceled or uncanceled.

(vii) Printed price lists containing written figures changing individual items.

(viii) Printed cards or letters bearing a written date, where the date is not the date of the card but gives information as to when something will occur or has occurred.

(ix) Printed cards or coupons that, by having a signature attached, are converted into personal communications, such as receipts and orders. (This does not apply to Christmas or similar printed greeting cards.)

(x) Identical communications entirely in print, except the name of the sender, sent by several persons to the same addressee.

(3) The term letters includes all letters whether they are old or have previously passed through the mail, sent singly or in packages. Exception: Packages of letters, bills, and statements prepared at a central office of a concern that provides service at some other place, each bearing proper postage at the first-class rate and mailed to the post office at that place for local delivery, and packages of letters remailed unopened to the same addressee, may be sent at other than the first-class rate of postage.

(4) Two or more persons or firms, or a person acting as the agent of two or more persons or firms, may not mail in one envelope to a mutual customer the bills, statements of account, or other let-

ters of the persons or firms. No two firms that are distinct entities may send their letters in one envelope even though they are affiliated or jointly owned.

(5) Applications for automobile, drivers', and other licenses are letters when sent for the purpose of obtaining a license. The application of each individual or company constitutes a separate letter. Applications of various persons may not be mailed in one package by a compensated representative of the applicants unless the package is endorsed on the outside to show the number of applications enclosed and enough postage is paid to cover the first-class rate on each application. Agents of the licensing authority may receive applications and forward them to any other office in a package with postage paid at the first-class rate computed on the bulk weight of the package.

(6) Sealed matter includes mail of any class so wrapped as not to be easily examined, except second-, third-, or fourth-class matter sealed subject to postal inspection. (See §§ 126.2, 134.8, and 135.7.)

* * * * *

NOTE: The corresponding Postal Manual sections are 131.1 and 131.21 respectively.

B. Section 131.3 is revised to reflect new instructions applicable to first-class mail.

§ 131.3 Weight and size limits.

(a) *Weight.* Each piece may weigh not more than 70 pounds.

(b) *Size.* Each piece may measure not to exceed 100 inches in length and girth combined. See § 135.3(b) of this chapter for instructions on how to measure.

(c) *Shape, ratio, and sealing for envelopes, cards, and self-mailers.* The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the first-class postage rate:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

(4) Pieces which are not sealed or secured on all four edges so that they may be handled by machines are not recommended.

(5) Cards having a thickness of less than 0.006 of an inch are nonmailable.

NOTE: The corresponding Postal Manual section is 131.3.

PART 132—SECOND CLASS

III. In Part 132 make the following changes:

A. Section 132.1 is revised to reflect new rates and instructions applicable to second-class mail:

§ 132.1 Rates.

(a) *Within the county of publication—(1) All publications, except those chargeable at per copy rates: (See subparagraph (2) of this paragraph).*

	Beginning		
	Jan. 7, 1968	Jan. 1, 1969	Jan. 1, 1970
	Cents	*Cents*	*Cents*
(i) Rate per pound or fraction of a pound	1.3	1.4	1.5
(ii) Minimum charge per price	.2	.2	.2

(2) *Per copy rates applicable only at office of original entry.* Copies for delivery at office of mailing by city or village letter carrier service (and for delivery at publisher's headquarters office except when second-class zone rates are higher):

Newspapers issued more often than weekly: 1 cent per copy.

Periodicals (all publications issued less frequently than weekly):

Copies weighing 2 ounces or less: 1 cent per copy.

Copies weighing over 2 ounces, any weight: 2 cents per copy.

(3) *Independent cities.* Each publication having original entry at an incorporated city which is situated entirely within a county or which is situated contiguous to one or more counties in the same State, but which is politically independent of such county or counties, shall be considered to be within and a part of the county with which it is principally contiguous and copies mailed into that county are chargeable with postage at the rates in subparagraph (1) of this paragraph. Where more than one county is involved, the publisher shall select the principal county and notify the postmaster.

(b) *Outside the county of publication—(1) All publications, except those accepted at the special rate, classroom rate, or science of agriculture rate.* (i) Rate per pound or fraction of a pound.

	Rates in cents per pound, beginning—		
	Jan. 7, 1968	Jan. 1, 1969	Jan. 1, 1970
Nonadvertising portion	3.0	3.2	3.4
Advertising portion:			
Zones 1 and 2	4.6	4.9	5.2
Zone 3	5.7	6.0	6.4
Zone 4	7.8	8.3	8.8
Zone 5	9.9	10.5	11.1
Zone 6	12.0	12.8	13.6
Zone 7	12.8	13.7	14.5
Zone 8	15.0	16.0	17.0
ii) Minimum charge per piece:			
(*a*) All publications except those provided for in (*b*) below	1.1	1.2	1.3
(*b*) Publications mailing less than 5,000 copies per issue outside the county of publication	.6	.7	.8

(2) *Special rate publications.* (i) Rate per pound or fraction of a pound:

	Rates in cents per pound, beginning—					
	Jan. 7, 1968	Jan. 1, 1969	Jan. 1, 1970	Jan. 1, 1971	Jan. 1, 1972	Jan. 1, 1973
Nonadvertising portion	1.9	2.0	2.1	2.1	2.1	2.1
Advertising portion:						
Zones 1 and 2	2.35	2.9	3.45	4.0	4.55	5.1
Zone 3	2.55	3.3	4.05	4.8	5.55	6.3
Zone 4	2.95	4.1	5.25	6.4	7.55	8.7
Zone 5	3.35	4.9	6.45	8.0	9.55	11.1
Zone 6	3.5	5.2	6.9	8.6	10.3	12.0
Zone 7	3.5	5.2	6.9	8.6	10.3	12.0
Zone 8	3.5	5.2	6.9	8.6	10.3	12.0
Minimum charge per piece	.13	.15	.2	.2	.2	.2

(ii) The zone rates in subparagraph (2) (i) of this paragraph are applicable to issues in which the advertising portion exceeds ten percent. Issues containing 10 percent or less advertising shall be computed at the nonadvertising rate in subparagraph (2) (i) of this paragraph or the minimum charge per piece, whichever is greater.

(iii) The rates in subparagraph (2) (i) of this paragraph apply only to publications issued by and in the interest of the following organizations and associations not organized for profit and none of the net income of which benefits any private stockholder or individual, when specially authorized by the Department: (See § 132–3(c) (1).)

(*a*) Religious.
(*b*) Educational.
(*c*) Scientific.
(*d*) Philanthropic.
(*e*) Agricultural.
(*f*) Labor.
(*g*) Veterans.
(*h*) Fraternal.
(*i*) Associations of rural electric cooperatives.
(*j*) The official highway or development agency of a State (Limited to one publication that meets all the requirements of § 132.2(b) and that contains no advertising).
(*k*) Program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station.

(3) *Classroom publications.* Publications which are devoted to promoting the science of agriculture and when the total number of copies of the publication furnished during any 12-month period to subscribers residing in rural areas consists of at least 70 per centum of the total number of copies distributed by any means for any purpose: Zones 1 and 2 4.2 cents per pound on the advertising portion. Rates in subparagraph (1) of this paragraph apply for nonadvertising portions and for advertising in copies to other zones.

(c) *Transient rate.*

Copies mailed by public. Sample copies in excess of 10 percent allowance. Copies to persons not included in list of subscribers.	5 cents for first 2 ounces; 1 cent for each additional ounce or fraction thereof, or the fourth-class rate, whichever is lower.

(d) *Second-class rates to other countries.* See § 222.4(a)(1)(iii) of this chapter.

(e) *Computation of postage charges.* The pound rates for both within (paragraph (a)(1)(i) of this section) and outside (paragraph (b)(1)(i) of this section) the county of publication are computed on the bulk weight of a mailing. The minimum charges per piece for both within (paragraph (a)(1)(ii) of this section) and outside (paragraph (b)(1)(ii) of this section) the county of publication are computed on individually addressed pieces consisting either of single copies or packages containing unaddressed copies. When two or more unaddressed copies are mailed in a package, the package is considered as one piece. If the total postage computed at the pound rates for within or outside the county of publication does not equal or exceed the total postage computed at the applicable minimum charge per piece for within or outside the county of publication respectively, postage must be collected at the minimum charge per piece. Packages of unaddressed copies which by reason of their heavy weight are not subject to the minimum charges per piece should not be declared on the same Form 3542, Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed, with individually addressed single copies which are subject to the minimum charges per piece; such packages should be declared on a separate Form 3542.

(f) *Weight limits.* There is no limit of weight for second-class mail to domestic destinations. See § 222.4(b) of this chapter for weight limits to other countries.

(g) *Who pays.* Postage at the transient rate must be paid on all copies mailed by the general public. Only publishers and registered news agents may mail at the other second-class rates.

NOTE: The corresponding Postal Manual section 132.1.

B. In § 132.2, paragraph (c)(1) is revised to reflect the new rates and instructions applicable to second-class mail.

§ 132.2 Qualifications for second-class privileges.

* * * * *

(c) *Publications of institutions and societies.* (1) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising and not under any conditions the advertising of other persons, institutions, or concerns: By a regularly incorporated institution of learning, by a regularly established State institution of learning supported in whole or in part by public taxation, including bulletins issued by State boards of health, State industrial development agencies, State conservation and fish and game agencies or departments, and State boards or departments of public charities and corrections, and by a public or nonprofit private elementary or secondary institution of learning or its administrative or governing body and program announcements or guides published by an educational radio or television agency of a State or political subdivision thereof or by a nonprofit educational radio or television station.

* * * * *

NOTE: The corresponding Postal Manual section is 132.231.

C. In § 132.3 paragraph (c) is revised to reflect the new rates and instructions applicable to second-class mail.

§ 132.3 Applications for second-class privileges.

* * * * *

(c) *Applications for publications that have second-class privileges.* After a publication has obtained second-class mail privileges, applications may be filed for the following additional privileges:

(1) Publishers of newspapers or periodicals of those nonprofit organizations and associations listed in § 132.1(b)(2) may file applications by letter to the postmaster for the special rate. They must submit evidence to establish their nonprofit status and to show that they come within one of the categories stated.

(2) Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may file applications by letter to the postmaster for the special rates for such publications. See § 132.1(b)(3). They must also submit evidence showing that their publications are of the character and for the uses stated.

(3) Publishers of publications designed to promote the science of agriculture may file applications by letter to the postmaster for the special zones 1 and 2 advertising rate of 4.2 cents per pound. See § 132.11(b)(4). They must submit evidence that their publications are of the character and for the use stated and that more than 70 per centum of the copies distributed by any means for any purpose during any 12-month period are to subscribers residing in rural areas.

(4) A publisher may apply for permission to mail at additional entry post offices any copies except those which are for delivery at the post office where the publication has been granted original second-class entry and mail privileges. A written application for an additional entry must be filed by the publisher at the post office where the publication has original second-class entry. A form is not provided for this kind of application. See paragraph (e) of this section for fees required. The application must include the following information:

(i) Name of publication.

(ii) Frequency of issue.

(iii) Name of place where the publication is printed.

(iv) Name of the additional entry post office.

(v) Approximate number and weight of copies to be mailed at the additional entry office.

(vi) Specific geographical area to be served from the additional entry office (the geographical area served by the additional entry office must include the entire local delivery area of the additional entry office).

An additional entry will be authorized at a post office located in the same county in which the office of original entry is located only when the publication is entirely or partly produced or prepared for mailing at the additional entry office (see subparagraph (5) of this paragraph for available exceptional dispatch privileges). An additional entry will be authorized only at a post office served by transportation facilities which will enable the mailings to be effectively and economically handled in the postal transportation patterns.

(5) An application to deliver copies of a second-class publication at the publishers' expense and risk from the post office of original entry or an additional entry post office to other post offices or elsewhere may be filed by the publisher at the office of original or additional entry where the postage is paid on the copies which will be transported. A form is not provided for this kind of application. See § 126.3(d) of this chapter.

* * * * *

NOTE: The corresponding Postal Manual section is 132.33.

§ 132.4 [Amended]

D. In § 132.4, *What may be mailed at second-class rate,* make the following changes:

1. Paragraph (g)(1) is revised for clarification.

(g) *Enclosures, additions, and novelty pages*—(1) *Enclosures.* Receipts, and orders for subscriptions may be enclosed either loose or bound in. No other enclosures are permitted. They may be prepared in the following ways:

(i) Printed or written.

(ii) Printed on cards and envelopes including business replies.

(iii) Arranged to include coin receptacles.

(iv) Arranged as combination forms for two or more second-class publications issued by the same publisher.

NOTE: The corresponding Postal Manual section is 132.471.

2. A new subparagraph (2)(xii) is added to paragraph (g) for clarification.

(g) *Enclosure, additions, and novelty pages.*

* * * * *

(2) *Additions.* * * *

(xii) Messages and notices of a civic or public-service nature provided no charge is made by the publisher for placing them on the envelopes, wrappers, or covers in which the publication is mailed.

NOTE: The corresponding Postal Manual section is 132.472.

§ 132.6 [Amended]

E. In § 132.6 *Ownership, management, and circulation statement,* make the following changes:

1. Paragraph (a) (1) (iv) is revised for clarification.

(a) *Requirements as contained in 39 U.S.C. 4369.*

(1) * * *

(iv) The extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

NOTE: The corresponding Postal Manual section is 136.611d.

2. Paragraph (b) (2) is revised for clarification.

(b) *Procedures.* * * *

(2) Publishers who file a statement under the provisions of paragraph (a) (1) of this section shall publish the complete statement in the second issue thereafter of the publication to which it relates. Publishers who file a statement under the provisions of paragraph (a) (2) of this section are not required to publish the statement. Publishers of foreign publications accepted at the second-class postage rates under the provisions of § 132.2(d) are not required to publish the statement.

NOTE: The corresponding Postal Manual section is 136.622.

PART 133—CONTROLLED CIRCULATION PUBLICATIONS

IV. Section 133.1 is revised to show new rates for controlled circulation publications.

§ 133.1 Rates.

	Rates in cents, beginning—		
	Jan. 7, 1968	Jan. 1, 1969	Jan. 1, 1970
Per pound or fraction of a pound	14.0	14.5	15.0
Minimum charge per piece	1.9	2.9	3.8

NOTE: The corresponding Postal Manual section is 133.1.

PART 134—THIRD CLASS

V. In Part 134 make the following changes:

A. Sections 134.1 and 134.2(a) are revised to update rates and instructions applicable to third-class mail.

§ 134.1 Rates.

(a) *Single piece rate.* All matter not in the first or second class (see § 134.3(a) for weight limit) except mailings made under paragraphs (a) and (b) of this section: 6 cents first 2 ounces or fraction of 2 ounces plus 2 cents for each additional ounce or fraction of an ounce.

(b) *Bulk rates.* (See §§ 134.2(b) (2) and 134.4(b).)

	Authorized nonprofit orgainzations only (See §134.5)	All other mailers
(1) Books and catalogs having 24 or more bound pages with at least 22 printed, seeds, cuttings, bulbs, roots, scions, and plants (see § 134.3(a) for weight limit).	8 cents per pound or fraction.	16 cents per pound or fraction.
Minimum rate per piece beginning:		
Jan. 7, 1968	1.4 cents	3.6 cents.
July 1, 1969	1.6 cents	4.0 cents.[1]
(2) All matter, except the items in subparagraph (2) of this paragraph, not included in the first or second class (see §134.3(a) for weight limit).	11 cents per pound or fraction.	22 cents per pound or fraction.
Minimum rate per piece beginning:		
Jan. 7, 1968	1.4 cents	3.6 cents.
July 1, 1969	1.6 cents	4.0 cents.[1]

[1] Effective July 1, 1969, the rate will be 3.8 cents per piece on the first 250,000 pieces mailed during a calendar year.

(3) If the total postage computed at the pound rates does not amount to the minimum rate per piece or more, postage must be computed at the minimum charge per piece. (See § 134.2(b) (2) (i).)

(c) *Keys, identification cards, identification tags, or similar identification devices.* Keys, identification cards, identification tags, or similar identification devices that are without cover and that bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern with instructions to return to such address and a statement guaranteeing the payment of the postage due on delivery: 14 cents for the first 2 ounces and 7 cents for each additional 2 ounces or fraction thereof.

§ 134.2 Classification.

(a) *Definition, as contained in 39 U.S.C. 4451.* (1) Third-class mail consists of mailable matter which is—

(i) Not mailed or required to be mailed as first-class mail;

(ii) Not entered as second-class mail; and

(iii) Less than 16 ounces in weight.

(2) Circulars, including printed letters which according to internal evidence are being sent in identical terms to several persons are third-class mail. A circular does not lose its character as such when the date and name of the addressee and of the sender are written therein, nor by the correction in writing of mere typographical errors.

(3) Printed matter within the limit of weight set forth in subparagraph (1) of this paragraph is third-class mail. For the purpose of this section, printed matter is paper on which words, letters, characters, figures, or images, or any combination thereof, not having the character of actual or personal correspondence, have been reproduced by any process other than handwriting or typewriting.

* * * * *

NOTE: The corresponding Postal Manual sections are 134.1 and 134.21 respectively.

PART 135—FOURTH CLASS

VI. In Part 135 make the following changes:

§ 135.1 [Amended]

A. In § 135.1 *Rates* make the following changes:

1. In paragraph (b) (2) (vi) change the figure "8 cents" to "10 cents" wherever it appears to reflect the new rate.

NOTE: The corresponding Postal Manual section is 135.122f.

2. Paragraphs (c) and (d) are revised to reflect new postage rates applicable to fourth-class mail.

(c) *Special fourth-class rate.*

Kind of Mail (Rate restricted to items specifically named)	Rate (without regard to zone)	
	First pound or fraction of a pound	Each additional pound or fraction
Books; 16-millimeter or narrower width films and catalogs of such films (rate applies for films and catalogs except when mailed to or from commercial theaters); printed music, printed objective test materials, sound recordings, playscripts and manuscripts for books, periodicals and music; printed educational reference charts permanently processed for preservation; looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. See § 135.2(a)(4).	12 cents	6 cents.

(d) *Library rate.*

Kind of mail (Rate restricted to items specifically named mailed by or to organizations mentioned in 135.2(a)(5))	Rate (Without regard to zone)	
	First pound or fraction of a pound	Each additional pound or fraction
Books; printed music; found volumes of academic theses; sound recordings; periodicals; other library materials; museum and herbarium materials; 16-millimeter or narrower width films, filmstrips, transparencies, slides, microfilms; scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. (See § 135.2(a)(5).)	5 cents	2 cents.

NOTE: The corresponding Postal Manual sections are 135.13 and 135.14 respectively.

B. In § 135.2 paragraphs (a) (4) and (a) (5) are revised to reflect new postage rates for fourth-class mail.

§ 135.2 Classification.

(a) *Description.* * * *

(4) Only the following specifically described articles may be mailed at the special fourth-class rate provided by § 135.1(c):

(i) Books, including books issued to supplement other books, of 24 pages or

more, at least 22 of which are printed, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and publisher's own advertising. Advertising may be in display, classified, or editorial style. The identification statement "Special Fourth-Class-Rate-Books" must be placed conspicuously on the address side of each package.

(ii) 16-millimeter films, or narrower width films which must be positive prints in final form for viewing, and catalogs of such films and film catalogs sent to or from commercial theaters. The identification statement "Special Fourth-Class Rate—16 mm. or Narrower Film Catalog" must be placed conspicuously on the address side of each package.

(iii) Printed music whether in bound form or in sheet form. The identification statement "Special Fourth-Class Rate—Printed Music" must be placed conspicuously on the address side of each package.

(iv) Printed objective test materials and accessories thereto used by or in behalf of educational institutions for testing ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark. The identification statement "Special Fourth-Class Rate—Objective Test Materials" must be placed conspicuously on the address side of each package.

(v) Sound recordings, including incidental announcements of recordings and guides or scripts prepared solely for use with such recordings. Player piano rolls are classified as sound recordings. Miscellaneous advertisements, including trademarks, of persons or concerns other than the record manufacturer, are not permissible on title labels, protective sleeves, jackets, cartons, and wrappers, and such advertisements may not be mailed as enclosures. The identification statement "Special Fourth-Class Rates—Sound Recordings" must be placed conspicuously on the address side of each package.

(vi) Playscripts and manuscripts for books, periodicals, and music. The identification statement "Special Fourth-Class Rate—Manuscript" must be placed conspicuously on the address side of each package.

(vii) Printed educational reference charts, permanently processed for preservation. The identification statement "Special Fourth-Class Rate—Educational Reference Charts" must be placed conspicuously on the address side of each package.

(viii) Looseleaf pages, and binders therefor, consisting of medical information for distribution to doctors, hospitals, medical schools, and medical students. The identification statement "Special Fourth-Class Rate—Medical Information" must be placed conspicuously on the address side of each package.

NOTE: When two or more articles described in this section are mailed in the package, the appropriate descriptive terms shall be combined in the identification statement placed on the address side. Example: Special Fourth-Class Rate—Books and Sound Recordings.

(5) Only the articles specifically described in this section may be mailed at the fourth-class library rate provided by § 135.1(d). The identification statement "Library Rate" must be placed conspicuously on the address side of each package. Each package must show in the address or return address the name of a school, college, university, public library, or name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organization or association. No permit is required.

(i) The following specific items when loaned or exchanged between schools, colleges, or universities and public libraries, museums and herbaria, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when cooperatively processed by libraries; or loaned or exchanged between libraries, organizations, or associations, and their members, readers, or borrowers, may be mailed at the library rate:

(*a*) Books, consisting wholly of reading matter, scholarly bibliography, or matter with incidental blank spaces for notations and containing no advertising other than incidental announcements of books.

(*b*) Printed music, whether in bound form or in sheet form.

(*c*) Bound volumes of academic theses in typewritten or duplicated form.

(*d*) Periodicals, whether bound or unbound.

(*e*) Sound recordings. (See also subparagraph (5) (ii) (*b*) of this paragraph.)

(*f*) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

(*g*) Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.

(ii) The following specific items when sent or from schools, colleges, universities, public libraries, museums, and herbaria and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations, may be mailed at the library rate:

(*a*) 16-millimeter or narrower width films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

(*b*) Sound recordings.

(*c*) Museum materials, specimens, collections, teaching aids, printed matter, and interpretative materials intended to inform and to further the educational work and interests of museums and herbaria.

(*d*) Scientific or mathematical kits, instruments, or other devices.

(*e*) Catalogs of the materials in paragraphs (b) (ii) (*a*), (*b*), (*c*), and (*d*) of this section having 24 or more pages, at least 22 of which are printed, and guides or scripts prepared solely for use with such materials.

* * * * *

C. In § 135.5 paragraph (b) (2) is revised to provide new postage rates and instructions for fourth-class mail.

§ 135.5 Additions.

* * * * *

(b) *Permissible.* * * *

(2) An invoice whether or not also serving as a bill relating solely to the matter with which it is enclosed, may be enclosed or placed in an envelope (marked Invoice Enclosed) attached to the outside, showing any or all of the following:

(i) Names and addresses of sender and addressee.

(ii) Names and quantities of articles enclosed.

(iii) Description of articles enclosed, including price, tax, style, stock number, size, and quality; and if defective, nature of defect.

(iv) Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.

(v) Initials or name of packer or checker.

NOTE: The corresponding Postal Manual section is 135.522.

PART 136—AIRMAIL

VII. In Part 136 make the following changes:

A. Section 136.1 is revised to reflect new postage rates applicable to airmail.

§ 136.1 Rates.

(a) *Air mail.*

Weight	Kind of mail	Rate
7 ounces or less	Air postal or post cards	8 cents each.
	Letters and packages	10 cents an ounce.
	Business reply (See § 131.2(c)):	
	Air cards	10 cents each.
	Airmail other than cards:	
	Weight not over 2 ounces	10 cents an ounce, plus 2 cents per piece.
	Weight over 2 ounces	10 cents an ounce, plus 5 cents per piece. Over 7 ounces air parcel post rates plus 5 cents per piece.

(b) *Priority mail* (heavy pieces).

Weight over 7 ounces and not exceeding—	Rate					
	Local, zones 1, 2, and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1 pound	$0.80	$0.80	$0.80	$0.80	$0.80	$0.80
1½ pounds	.98	1.02	1.07	1.14	1.18	1.24
2 pounds	1.16	1.23	1.34	1.47	1.55	1.68
2½ pounds	1.40	1.48	1.62	1.79	1.91	2.08
3 pounds	1.64	1.73	1.90	2.11	2.27	2.48
3½ pounds	1.88	1.98	2.18	2.43	2.63	2.88
4 pounds	2.12	2.23	2.46	2.75	2.99	3.28
4½ pounds	2.36	2.48	2.74	3.07	3.35	3.68
5 pounds	2.60	2.73	3.02	3.39	3.71	4.08
6 pounds	3.08	3.23	3.58	4.03	4.43	4.88
7 pounds	3.56	3.73	4.14	4.67	5.15	5.68
8 pounds	4.04	4.23	4.70	5.31	5.87	6.48
9 pounds	4.52	4.73	5.26	5.95	6.59	7.28
10 pounds	5.00	5.23	5.82	6.59	7.31	8.08
11 pounds	5.48	5.73	6.38	7.23	8.03	8.88
12 pounds	5.96	6.23	6.94	7.87	8.75	9.68
13 pounds	6.44	6.73	7.50	8.51	9.47	10.48
14 pounds	6.92	7.23	8.06	9.15	10.19	11.28
15 pounds	7.40	7.73	8.62	9.79	10.91	12.08
16 pounds	7.88	8.23	9.18	10.43	11.63	12.88
17 pounds	8.36	8.73	9.74	11.07	12.35	13.68
18 pounds	8.84	9.23	10.30	11.71	13.07	14.48
19 pounds	9.32	9.73	10.86	12.35	13.79	15.28
20 pounds	9.80	10.23	11.42	12.99	14.51	16.08
21 pounds	10.28	10.73	11.98	13.63	15.23	16.88
22 pounds	10.76	11.23	12.54	14.27	15.95	17.68
23 pounds	11.24	11.73	13.10	14.91	16.67	18.48
24 pounds	11.72	12.23	13.66	15.55	17.39	19.28
25 pounds	12.20	12.73	14.22	16.19	18.11	20.08
26 pounds	12.68	13.23	14.78	16.83	18.83	20.88
27 pounds	13.16	13.73	15.34	17.47	19.55	21.68
28 pounds	13.64	14.23	15.90	18.11	20.27	22.48
29 pounds	14.12	14.73	16.46	18.75	20.99	23.28
30 pounds	14.60	15.23	17.02	19.39	21.71	24.08
31 pounds	15.08	15.73	17.58	20.03	22.43	24.88
32 pounds	15.56	16.23	18.14	20.67	23.15	25.68
33 pounds	16.04	16.73	18.70	21.31	23.87	26.48
34 pounds	16.52	17.23	19.26	21.95	24.59	27.28
35 pounds	17.00	17.73	19.82	22.59	25.31	28.08
36 pounds	17.48	18.23	20.38	23.23	26.03	28.88
37 pounds	17.96	18.73	20.94	23.87	26.75	29.68
38 pounds	18.44	19.23	21.50	24.51	27.47	30.48
39 pounds	18.92	19.73	22.06	25.15	28.19	31.28
40 pounds	19.40	20.23	22.62	25.79	28.91	32.08
41 pounds	19.88	20.73	23.18	26.43	29.63	32.38
42 pounds	20.36	21.23	23.74	27.07	30.35	33.68
43 pounds	20.84	21.73	24.30	27.71	31.07	34.48
44 pounds	21.32	22.23	24.86	28.35	31.79	35.28
45 pounds	21.80	22.73	25.42	28.99	32.51	36.08
46 pounds	22.28	23.23	25.98	29.63	33.23	36.88
47 pounds	22.76	23.73	26.54	30.27	33.95	37.68
48 pounds	23.24	24.23	27.10	30.91	34.67	38.48
49 pounds	23.72	24.73	27.66	31.55	35.39	39.28
50 pounds	24.20	25.23	28.22	32.19	36.11	40.08
51 pounds	24.68	25.73	28.78	32.83	36.83	40.88
52 pounds	25.16	26.23	29.34	33.47	37.55	41.68
53 pounds	25.64	26.73	29.90	34.11	38.27	42.48
54 pounds	26.12	27.23	30.46	34.75	38.99	43.28
55 pounds	26.60	27.73	31.02	35.39	39.71	44.08
56 pounds	27.08	28.23	31.58	36.03	40.43	44.88
57 pounds	27.56	28.73	32.14	36.67	41.15	45.68
58 pounds	28.04	29.23	32.70	37.31	41.87	46.48
59 pounds	28.52	29.73	33.26	37.95	42.59	47.28
60 pounds	29.00	30.23	33.82	38.59	43.31	48.08
61 pounds	29.48	30.73	34.38	39.23	44.03	48.88
62 pounds	29.96	31.23	34.94	39.87	44.75	49.68
63 pounds	30.44	31.73	35.50	40.51	45.47	50.48
64 pounds	30.92	32.23	36.06	41.15	46.19	51.28
65 pounds	31.40	32.73	36.62	41.79	46.91	52.08
66 pounds	31.88	33.23	37.18	42.43	47.63	52.88
67 pounds	32.36	33.73	37.74	43.07	48.35	53.68
68 pounds	32.84	34.23	38.30	43.71	49.07	54.48
69 pounds	33.32	34.73	38.86	44.35	49.79	55.28
70 pounds	33.80	35.23	39.42	44.99	50.51	56.08

EXCEPTION: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

NOTE: The corresponding Postal Manual section is 136.1.

B. In § 136.2 paragraph (c) is revised to reflect new postage rates and instructions applicable to fourth-class mail and airmail.

§ 136.2 Classification.

* * * * *

(c) *Application of rates.* (1) Postage is charged on airmail (except postal and post cards) according to weight at the rates in § 136.1 regardless of the class of mail.

(2) Air post cards must conform to the size and conditions prescribed for post cards. (See § 131.2(b)(2) of this chapter.)

(3) Each portion of a double air post card must be prepaid at the air card rate when originally mailed, except when the reply portion is prepared as a business reply air card. See § 131.2(c) for information regarding business reply mail.

(4) Air parcel post articles addressed to military post offices overseas (Army, Air Force, and Fleet post offices, and Naval vessels) require postage at the airmail zone rate applicable between the mailing post office and the post office shown in the address.

(5) Eighth zone airmail rates:

(i) The eighth zone airmail rates apply to articles mailed between:

(*a*) The United States, and—

(*1*) Its possessions,

(*2*) The Canal Zone, and

(*3*) The islands of the Trust Territory of the Pacific;

(*b*) The possessions of the United States, and

(*1*) The Canal Zone, and

(*2*) The islands of the Trust Territory of the Pacific; and

(*c*) The Commonwealth of Puerto Rico, and

(*1*) The possessions of the United States,

(*2*) The Canal Zone, and

(*3*) The islands of the Trust Territory of the Pacific.

(ii) The airmail rates according to zone apply to articles mailed between:

(*a*) The United States, and

(*1*) The Commonwealth of Puerto Rico, and

(*2*) The Virgin Islands, and

(*b*) Between the Commonwealth of Puerto Rico and the Virgin Islands.

NOTE: The corresponding Postal Manual section is 136.23.

C. Sections 136.5 and 136.6 are revised to reflect new postage rates and instructions applicable to airmail.

§ 136.5 Additions and enclosures.

There are no special restrictions with respect to written additions and enclosures in airmail.

§ 136.6 Marking, sealing, and depositing.

(a) Place the word "Airmail" prominently on the address side of flat mail preferably below the stamps and above the address, and on the top, bottom, and sides of parcels. Adhesive Label 19, available without charge at the local post office, may be used. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

(b) Airmail may be sealed or left unsealed without affecting the air rate.

(c) Deposit airmail weighing 7 ounces or less at the post office or in a special

airmail letter box or drop, if available, to insure fastest dispatch, or in any collection box. Airmail weighing over 7 ounces must be deposited at the post office, branch, or station, or handed to a rural or star route carrier.

(d) Use envelopes printed with special airmail design for airmail only. Their use for mail not intended for air transmission is not permissible.

NOTE: The corresponding Postal Manual sections are 136.5 and 136.6 respectively.

PART 138—FOR THE BLIND

VIII. Part 138 is completely revised and now reads as follows:

§ 138.1 Conditions.

The following conditions are applicable to articles mailable free of postage under this section:

(a) Except as provided in § 138.2(a) the matter is for the use of the blind or other persons who cannot use or read conventionally printed material because of a physical impairment who are certified by competent authority as unable to read normal reading material;

(b) No charge, or rental, subscription, or other fee, is required for such matter or a charge, or rental, subscription, or other fee is required for such matter not in excess of the cost thereof;

(c) The matter may be opened for postal inspection;

(d) The matter contains no advertising.

§ 138.2 Items mailable free.

(a) Unsealed letters sent by a blind person or a person having a physical impairment as described in § 138.1(a) is raised characters or sight-saving type or in the form of sound recordings;

(b) Reading matter and musical scores;

(c) Sound reproductions;

(d) Paper, records, tapes, and other material for the production of reading matter, musical scores, or sound reproductions;

(e) Reproducers or parts thereof for sound reproductions; and

(f) Braille writers, typewriters, educational or other materials or devices, or parts thereof, used for writing by, or specifically designed or adapted for use of, a blind person or a person having a physical impairment as described in § 138.1(a).

§ 138.3 Markings.

All matter mailed under the provisions of this Part 138 shall show the words "Free Matter for the Blind or Handicapped" in the upper right corner of the address side.

§ 138.4 Weight and size limits.

The weight and size limitations in § 135.3(a) of this chapter are applicable to mailings made under this part.

NOTE: The corresponding Postal Manual section is Part 138.

PART 144—PERMIT IMPRINTS

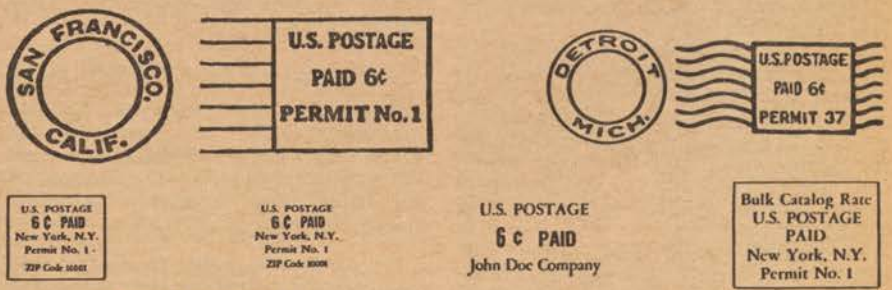
IX. Section 144.4 is revised to show the new rates for permit imprints.

§ 144.4 Form of permit imprints.

Permit imprints must be prepared in one of the forms illustrated. The addition of extraneous matter is not permitted.

(a) First-class mail:

(b) Second-, third-, and fourth-class mail (date and first-class mail omitted):



(c) Bulk third-class mail:

(d) Authorized Nonprofit Organization Mailings only: See § 134.4(b)(3) of this chapter.

PART 157—FORWARDING MAIL

X. In Part 157 make the following changes:

A. In § 157.1, paragraphs (a)(2) and (a)(3) are revised to state that all third- and fourth-class mail which the sender has guaranteed to pay forwarding postage will be forwarded.

§ 157.1 Order to change address.

(a) *Ordinary mail.* * * *

(2) *Forwardable mail.* Mail received at the old address will be handled as follows:

(i) All first-class mail, all official mail described in Part 137 of this chapter, and all third- and fourth-class mail of obvious value will be forwarded.

(ii) Second-class, and other third- and fourth-class mail will be forwarded when specifically requested by the order.

(iii) Mail addressed to "Occupant" or "Postal Patron" (see § 123.4 of this chapter) will not be forwarded.

(iv) All third- and fourth-class mail for which the sender has guaranteed to pay the forwarding postage will be forwarded. (See §§ 158.2(d)(2) and 158.2(e) of this chapter.).

(v) Mail bearing specific instructions of the sender "Do not forward" will not be forwarded.

(3) *Pledge to pay forwarding postage.* The order to forward mail constitutes the pledge of the addressee to pay forwarding postage. See § 157.3 of this chapter. When an addressee who has pledged to pay forwarding postage refuses to pay the postage due, the postmaster must send Form 3546, Notice to Change Forwarding Order, to the postmaster at the old address requesting him to discontinue forwarding mail of the class refused.

* * * * *

NOTE: The corresponding Postal Manual sections are 157.112 and 157.113 respectively.

B. In § 157.3, paragraph (b) is revised to provide that when first-class mail bearing the words "Address Correction Requested" is forwarded to a new address, the sender will be notified on Form 3547 of the new address of the addressee and a charge of 10 cents will be collected upon delivery of the form.

§ 157.3 Postage for forwarding.

* * * * *

(b) *Change to another post office.* Mail forwarded to another post office is subject to additional postage as follows, to be computed the same as if the piece were originally mailed at the office from which it is forwarded:

(1) First-class mail: No charge is made for forwarding first-class mail, including postal and post cards, when postage has been fully prepaid by the sender. No additional charge is made for forwarding first-class mail that is not fully prepaid, but any amount shortpaid at the time of original mailing will be collected on delivery.

(2) Second-class publications are subject to additional postage for forwarding at the second-class transient rate computed on each individually addressed copy or package of unaddressed copies. (See § 132.1(c) of this chapter.)

(3) Controlled circulation publications (see part 133 of this chapter) are subject to additional postage for forwarding at the single-piece third- or fourth-class rate according to weight.

(4) Third-class mail is subject to collection of additional postage at the single-piece rate, when forwarded. (See § 134.1(a) of this chapter.)

(5) Fourth-class mail is subject to the collection of additional postage for forwarding at the applicable rate of postage. (See § 135.1 of this chapter.)

(6) Airmail: No additional charge is made for forwarding airmail articles weighing 7 ounces or less. These articles are sent by air when air service to the new address is available. First-class mail of this weight may also be forwarded by air on prepayment of the difference between the surface and air rates. Airmail weighing over 7 ounces is forwarded by air at the applicable air zone rate to be collected on delivery except when the article bears the sender's specific instructions to forward it by surface mail. When forwarded by surface mail, forwarding postage at the applicable rate according to class of mail is collected on delivery. (See § 136.1 of this chapter.)

(7) Registered, certified, insured, COD, and special handling mail is forwarded without the payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid. Such mail will not be forwarded to a foreign country. See § 157.1(b)(2) of this chapter concerning registered mail forwarded to the Canal Zone, and § 166.4(g) of this chapter for forwarding special delivery mail.

NOTE: The corresponding Postal Manual section is 157.32.

C. Section 157.6 is revised to provide that each time second-class mail, third-class mail of obvious value, or fourth-class mail, and airmail weighing over 7 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

§ 157.6 Reforwarding.

The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-class mail, third-class mail of obvious value, or fourth-class mail, and airmail weighing over 7 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

NOTE: The corresponding Postal Manual section is 157.6.

PART 158—UNDELIVERABLE MAIL

XI. In Part 158 make the following changes:

A. Section 158.2 is revised to give new instructions governing the rating and the disposition of undeliverable mail.

§ 158.2 Treatment by classes.

(a) *First-class mail.* First-class mail, except postal and post cards, is returned to the sender, if known, without additional charge. Only postal and post cards that bear the sender's address and request for return, are returned, and postage at the card rate is collected on delivery to the sender. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned. When first-class mail bearing the words "Address Correction Requested" is forwarded to a new address, the sender will be notified on Form 3547 of the new address of the addressee and a charge of 10 cents will be collected upon delivery of the form.

(b) *Second-class mail*—(1) *Change in local address*—(i) *Delivery for 3 months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the request of the sender for return. The words "local address" as used in this paragraph mean any address served by the city, rural, or star carriers of any specific post office or a post office box or general delivery address at the post office. Form 3578, Change of Address Notice to Publishers, shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(ii) *Procedure after 3 months.* When copies bearing the old local address are received after the period of 3 months has expired, the carrier or clerk serving the old address shall write the new local address, including ZIP Code number, on Form 3579, Undeliverable Second Class Matter, which shall then be affixed to the copies, envelopes, or wrappers, near but not over the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address, including ZIP Code number, if any, and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 10 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the 3 months' period each complete copy shall be returned to the sender rated with postage due at the transient rate (see § 132.1(c) of this chapter) on each individually addressed copy or package of unaddressed copies and 10 cents for the notice on Form 3579 affixed thereto.

(2) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address (see § 132.1(c) of this chapter), the carrier or clerk serving the old address shall prepare Form 3579 and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If a new address has been entered on the form, the ZIP Code number for that address must be shown. If the copies do not bear the request of sender for return, the notice shall be mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy, beginning with the first one undeliverable as addressed, shall be returned to the sender rated with postage due at the transient rate (see § 132.1(c) of this chapter) on each individually addressed copy or package of unaddressed copies and 10 cents for the notice on Form 3579 as provided by subparagraph (i)(ii) of this paragraph.

(3) *Pledge of addressee to pay forwarding postage.* When a change of address is other than a change of local address (see subparagraph (1)(i) of this paragraph), and the addressee has filed a written guarantee either on Form 3575 or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate (see § 132.1(c) of this chapter), computed on each indi-

vidually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address in the manner prescribed by subparagraph (1) (i) of this paragraph). If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the request of the sender for return, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by subparagraph (1) (ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the request of the sender for return, each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due at the transient rate (see § 132.1(c) of this chapter) on each individually addressed copy or package of unaddressed copies and 10 cents for the notice on Form 3579 as provided in subparagraph (1) (ii) of this paragraph.

(4) *Manner in which the request of the sender shall be shown.* The words "Return Postage Guaranteed" shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address, including ZIP Code number.

(5) *Failure to follow procedure.* When postmasters do not comply with the instructions in this paragraph their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested on Form 3538, Irregular Handling of Undeliverable Second-Class or Controlled Circulation Publication, to instruct the sender to make the change.

(6) *Canadian publications.* The procedure prescribed by subparagraphs (1) through (3) of this paragraph shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

(7) *Special circumstances.* See § 157.4 and § 157.5 of this chapter for instructions as to forwarding publications under the special circumstances described therein.

(c) *Controlled circulation publications.* Undeliverable copies mailed by a publisher will be treated as described in subparagraphs (1) through (4) of this paragraph. The single piece third-class rate or the fourth-class rate according to the weight of each individually addressed copy or package of unaddressed copies is applicable, in addition to the 10-cent fee for Form 3579, to each individually addressed copy or package of unaddressed copies bearing the sender's pledge "Return Postage Guaranteed."

(d) *Third-class mail*—(1) *Return of mail.* Undeliverable third-class mail bearing the words "Return Postage Guaranteed" will be returned to the sender and postage at the single-piece third-class rate will be collected on delivery. The piece will be marked "undeliverable as addressed." The reason why the piece is undeliverable as addressed or the addressee's new address will not be endorsed on the piece.

(2) *Forwarding and return of mail.* Undeliverable third-class mail bearing the words "Forwarding and Return Postage Guaranteed" will be forwarded when the new address is known, and postage at the single-piece third-class rate will be collected from the addressee. If the addressee refuses to pay the forwarding postage, the piece will be returned to the sender who must pay postage at the single-piece third-class rate for its forwarding plus postage at the single-piece third-class rate for its return. If the piece cannot be forwarded because the new address is not known, it will be given the "Return Postage Guaranteed" service provided for by subparagraph (1) of this paragraph.

(3) *Address correction service.* The addressee's new address, or the reason why a third-class mailing piece is undeliverable if the new address is not known, may be obtained by the sender either independently of, or in combination with the return and forwarding services provided by subparagraphs (1) and (2) of this paragraph. To obtain these services, the mailing piece must bear the words: "Address Correction Requested," or "Address Correction Requested Return Postage Guaranteed," or "Address Correction Requested Forwarding and Return Postage Guaranteed," according to the service desired. The following conditions govern these services:

(i) A piece weighing 4 ounces or less bearing the words "Address Correction Requested" will be returned to the sender for a fee of 10 cents with the new address or reason endorsed on the piece.

(ii) When a piece weighing more than 4 ounces bears the words "Address Correction Requested," Form 3579 will be used to notify the sender for a fee of 10 cents. Form 3579 and the old address portion of the mailing piece will be prepared for mailing to the sender in an envelope, in the same manner the form is prepared for mailing to second-class and controlled circulation publications (see paragraph (b) (1) (ii) of this section).

(iii) When a piece weighing more than 4 ounces and bearing the words "Address Correction Requested Return Postage Guaranteed," or "Address Correction Requested Forwarding and Return Postage Guaranteed" must be returned to the sender by the post office or original address because the piece cannot be forwarded, Form 3579 will be affixed to the piece, and it will be returned to the sender for a fee of 10 cents for the Form 3579 plus the single piece third-class postage for the piece.

(iv) When a piece of any weight bearing the words "Address Correction Requested," "Address Correction Requested Return Postage Guaranteed," or "Address Correction Requested Forwarding and Return Postage Guaranteed" is forwarded to the addressee in compliance with either the sender's or addressee's (see § 157.1(a) (3) of this chapter) guarantee to pay forwarding postage, Form 3547 will be used by the forwarding post office to furnish the sender the new address for a fee of 10 cents.

(e) *Fourth-class mail.* Undeliverable fourth-class mail will be handled according to the instructions in paragraph (d) of this section for handling third-class mail weighing more than 4 ounces, except that fourth-class rates apply in all instances where third-class rates are mentioned. The address correction and the return and forwarding services provided for third-class mail may be used for fourth-class mail.

(f) *Airmail.* Airmail weighing 7 ounces or less will be returned by the same transportation as first-class mail at no additional charge. Airmail weighing more than 7 ounces will be returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it will be returned at the airmail rate to be collected on delivery to the sender.

(g) *Registered, certified, insured, and COD.* When mail is undeliverable as addressed and cannot be forwarded, a notice is sent to the mailer on Form 3858, Notice of Undeliverable or Abandoned Mail, showing the reason. By completing the form and returning it immediately in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail (but not registration, insurance, certified or COD fees) will be collected from the mailer. Exception: When registered, certified, insured, and COD mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer. Registered, certified, insured, and COD nixie mail shall be returned immediately to sender.

(h) *Disposal of perishable mail, drugs, and cosmetics.*—(1) *Perishable mail.* Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling, and parcels of day-old poultry that cannot be delivered or returned within 60 hours after hatching, if salable will be disposed of by the postmaster through competitive bidding.

NOTE: The corresponding Postal Manual section is 158.2.

B. Section 158.8 is revised to give new instructions on Obvious Value Mail.

§ 158.8 Obvious value mail.

(a) *Identified as to obvious value.* The sender of third- and fourth-class mail may identify pieces which are considered to be of obvious value and assure their delivery or return by using the "Return Postage Guaranteed or the Forwarding

and Return Postage Guaranteed" services provided by §§ 158.2(d)(1), 158.2(d)(2), and 158.2(e).

(b) *Unidentified as to obvious value.* When an undeliverable piece does not bear the sender's guarantee to pay forwarding or return postage, its value must be appraised before it is disposed of. Packages containing merchandise or personal property such as photographs, jewelry, or clothing are examples of matter having obvious value. Miscellaneous printed matter such as circulars and articles unsolicited by the addressee such as samples of merchandise are examples of matter which is not of obvious value.

(c) *Disposition.* When a piece not indorsed as shown in paragraph (a) of this section is determined to be of obvious value, it must not be disposed of as waste, and it must not be sent to dead letter or dead parcel branches if it can be forwarded to the addressee or returned to the sender. If the addressee has guaranteed to pay forwarding postage for matter of obvious value (see § 157.1(a)(2) of this chapter), the piece will be forwarded. If the piece cannot be forwarded, it will be returned to the sender at the applicable postage rates.

NOTE: The corresponding Postal Manual section is 158.8.

PART 167—SPECIAL HANDLING

XII. Sections 167.1 and 167.2 are revised to update instructions on special handling.

§ 167.1 Description of special handling.

Special-handling service is available for third- and fourth-class mail only, including that which is insured or sent COD. It provides the most expeditious handling, dispatch, and transportation available, but does not provide special delivery. Special-handling parcels are delivered as parcel post and is ordinarily delivered on regular scheduled trips. The special-handling fee (or special-delivery fee) must be paid on all parcels that must be given special attention in handling, transportation, and delivery, such as parcels containing baby chicks or other baby poultry, package bees carried outside mail bags, baby alligators, etc.

§ 167.2 Special-handling fees.

Weight	*Fee (cents)*
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

The special-handling fee is in addition to regular fourth-class postage and may be prepaid by ordinary postage stamps or by meter stamps.

NOTE: The corresponding Postal Manual sections are 167.1 and 167.2 respectively.

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

TIMOTHY J. MAY,
General Counsel.

AUGUST 22, 1968.

[F.R. Doc. 68-10389; Filed, Aug. 30, 1968; 8:45 a.m.]

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBBCHAPTER A—GENERAL PROCEDURES

PART 20—BID PROTESTS

Part 20, Procedures governing bid protests, is revised in its entirety as follows:

Sec.
20.1 Procedure for protest.
20.2 Notice of protest.
20.3 Furnishing of information on protests.

AUTHORITY: The provisions of this Part 20 issued under sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24, 31 U.S.C. 71; sec. 304, 42 Stat. 24, as amended, 31 U.S.C. 74.

§ 20.1 Procedure for protest.

An interested party wishing to protest the proposed award of a contract, or the award of a contract, by an agency of the Federal Government whose accounts are subject to settlement by the U.S. General Accounting Office may do so by addressing a telegram or letter to the Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548, identifying the procurement or sale and the agency concerned and stating the specific grounds upon which the protest is based. To assist in expediting resolution of the protest the protester is requested to provide simultaneously to the contracting officer of the agency involved in the protest a copy of the telegram or letter addressed to the Comptroller General.

§ 20.2 Notice of protest.

When it appears, upon initial consideration, that the protest may require action by the General Accounting Office which would adversely affect the interests of (a) the contractor, or of (b) any bidders or offerors who, in the opinion of the General Accounting Office, appear to have a substantial and reasonable prospect of receiving the award, notice and a reasonable opportunity to present views will be given to such contractor or bidders (offerors) prior to reaching a decision on the protest unless the Comptroller General or the Assistant Comptroller General certifies that time and circumstances do not permit. The party filing a protest, and those parties entitled to the above notice, may request a conference with the General Accounting Office attorney who has been assigned primary responsibility for handling the protest.

§ 20.3 Furnishing of information on protests.

The General Accounting Office will, upon request, furnish to any party mentioned in the preceding paragraph any information relating to the protest submitted by any party or Government agency except to the extent that disclosure of such information would be inconsistent with the regulations set forth in 4 CFR 81.6.

[SEAL] FRANK H. WEITZEL,
Acting Comptroller General of the United States.

[F.R. Doc. 68-10537; Filed, Aug. 30, 1968; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Radishes

U.S. No. 1 AND U.S. COMMERCIAL; CORRECTION

In F.R. Doc. 68-10066 appearing in the issue of Wednesday, August 21, 1968 (33 F.R. 11809), the words "one-half" appearing in line 4 of § 51.2397(b)(4) in column 3 of page 11809, and in line 4 of § 51.2398(a)(4) in column 1 of page 11810 are corrected to read "three-eighths."

Dated: August 27, 1968.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 68-10550; Filed, Aug. 30, 1968; 8:47 a.m.]

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

[Valencia Orange Reg. 253, Amdt. 1]

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

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the 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 by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

engage in public rule-making procedure, and postpone the effective date of this amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.553 (Valencia Orange Reg. 253, 33 F.R. 11896) are hereby amended to read as follows:

§ 908.553 Valencia Orange Regulation 253.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 400,000 cartons;

* * * * *

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

Dated: August 28, 1968.

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

[F.R. Doc. 68–10576; Filed, Aug. 30, 1968; 8:50 a.m.]

[Lemon Reg. 336]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.636 Lemon Regulation 336.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation 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 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, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulations; 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 regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessery, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 27, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period September 1, 1968, through September 7, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 213,900 cartons;

(iii) District 3: 15,811 cartons.

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

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

Dated: August 29, 1968.

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

[F.R. Doc. 68–10601; Filed, Aug. 30, 1968; 8:50 a.m.]

[948.358; Area 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of recommendations and information submitted by the Area No. 2 Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation, hereinafter set forth, will tend to effectuate the declared policy of the act and thereby maintain orderly marketing conditions and tend to increase returns to producers of such potatoes.

(b) It is hereby 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 in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1968 crop potatoes grown in Area No. 2 will begin on or about the effective date specified herein; (2) to maximize benefits to producers, this regulation should apply to all such shipments; (3) the time intervening between the date of the committee's recommendation and the date when this section must become effective in order to effectuate the policy of the act is insufficient; (4) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date; and (5) information regarding the committee's recommendation of these regulations has been disseminated to producers and handlers in the production area.

§ 948.358 Limitation of shipments.

During the period September 9, 1968, through June 30, 1969, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section. The maturity requirements specified in paragraph (b) shall terminate October 15, 1968, at 11:59 p.m. m.d.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(3) *All varieties.* Size B, if U.S. No. 1 or better grade, and if handled in accordance with the reporting requirements of paragraph (g) of this section.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Special purpose shipments*—(1) *Chipping stock.* Potatoes may be handled for chipping if they meet the requirements of 1½ inches minimum diameter, and if U.S. No. 2, or better grade, except

for (i) scab, and (ii) the maturity requirements of paragraph (b) of this section, if such potatoes are handled in accordance with paragraph (d) of this section.

(2) *Other special purposes.* (i) The quality and maturity requirements of paragraphs (a) and (b) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of potatoes for livestock feed, relief, or charity.

(ii) The quality and maturity requirements of paragraphs (a) and (b) of this section shall not be applicable to the handling of potatoes for seed pursuant to § 948.6; but any lot of potatoes handled for seed shall be subject to assessments.

(d) *Safeguards.* Each handler of potatoes which do not meet the quality and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (c) of this section for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee,

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

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

(e) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to inspection and the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any portion of a shipment which exceeds 1,000 pounds of potatoes.

(f) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate, except that inspection certificates issued on potatoes for use as potato chips handled pursuant to paragraph (c) (1) of this section shall be exempt from this 5-day requirement.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by, and made available for examination at any time upon request, a copy of the inspection certificate applicable thereto.

(g) *Reports.* Pursuant to § 948.80, no handler may ship size B potatoes from area No. 2 unless he reports to the committee in a manner prescribed by it the quantities handled and the destinations of such potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "slightly skinned," "moderately skinned," and "scab" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(i) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1, *Import regulations* (7 CFR 980.1 of this chapter), red skinned round type potatoes, except certified seed potatoes, imported into the United States during the period September 9, 1968, through June 30, 1969, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Dated: August 28, 1968, to become effective September 9, 1968.

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

[F.R. Doc. 68–10575; Filed, Aug. 30, 1968; 8:50 a.m.]

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

[Milk Order 9]

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

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Clarksburg, W.Va., marketing area (7 CFR Part 1009), it is hereby found and determined that:

(a) The following provisions of the order will not tend to effectuate the declared policy of the Act beginning September 1, 1968:

1. Sections 1009.19, 1009.20, 1009.31 (b) (1), 1009.72, 1009.75(b), 1009.80(d) (2) (ii), 1009.90, 1009.91, and 1009.92 in their entirety.

2. In §§ 1009.27(k) (2), 1009.75(c), and 1009.82(b) (1), "and 1009.72".

3. In § 1009.31(b) (2) (ii), "including for the months of April through July, the pounds of base milk".

4. In the introductory text of § 1009.71, "for each of the months of August through March".

5. In § 1009.71(f), "during each of the months of August through March".

6. In § 1009.74(a), "and the uniform price to be paid for base milk".

7. In § 1009.80(a) (2), "or base milk and excess milk".

8. The center head "Determination of Base" immediately preceding § 1009.90.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action suspends the base-excess plan provisions for paying producers. Under the plan, producers establish daily bases during September through December. In the following April through July, producers are paid a base price for their deliveries that are not in excess of their base and a lower price for any additional milk delivered. It is contemplated that this suspension will continue until such time as a review of the base-excess plan may be completed through the hearing procedure.

This suspension was requested by the Dairymen's Cooperative Sales Association, which represents more than 80 percent of the producers in the Clarksburg market. The cooperative claimed that the base-excess plan is no longer necessary in this market to encourage even production throughout the year. Additionally, the cooperative claimed that because of an expected plant closing a significant number of producers in the Clarksburg market will probably be shifting to another market. Thus, such producers, although earning bases during the September–December 1968 period, probably would not be participating in the base-excess plan during the 1969 base-paying months.

There is no indication that the suspension of the base-excess plan will jeopardize the supply of milk for the market. Moreover, this suspension will tend to assure equity among producers in the market in view of the anticipated producer shifts.

Since a base-excess plan is concerned only with distributing to producers the total monies paid by handlers for producer milk, handlers' obligations under the order will not be affected by this action.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (33 F.R. 11908). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective September 1, 1968.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended beginning September 1, 1968.

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

Effective date: September 1, 1968.

Signed at Washington, D.C., on August 28, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–10577; Filed, Aug. 30, 1968; 8:50 a.m.]

[Milk Order 121]

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

Order Regulating the Handling of Milk

DEFINITIONS

MARKET ADMINISTRATOR

REPORTS, RECORDS AND FACILITIES

CLASSIFICATION

MINIMUM PRICES

APPLICATION OF PROVISIONS

DETERMINATION OF UNIFORM PRICE

PAYMENTS

EFFECTIVE TIME, SUSPENSION OR TERMINATION

MISCELLANEOUS PROVISIONS

AUTHORITY: The provisions of this Part 1121 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1121.0 Findings and determinations.

(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 a proposed marketing agreement and a proposed order regulating the handling of milk in the South Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Producer milk (including that pursuant to § 1121.14(a)(2) and such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1121.46(a)(4) and (8) and the corresponding steps of § 1121.46(b); and

(iii) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Additional findings.* It is necessary in the public interest to make this order partially effective not later than September 1, 1968, and fully effective not later than October 1, 1968. Any delay beyond these dates would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, was issued June 13, 1968, and the decision of the Under Secretary containing all the provisions of this order was issued August 8, 1968. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective September 1, 1968, and fully effective October 1, 1968, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

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

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

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

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

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the South Texas marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

DEFINITIONS

§ 1121.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1121.2 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise

the powers and to perform the duties of the Secretary of Agriculture.

§ 1121.3 Department.

"Department" means the U.S. Department of Agriculture.

§ 1121.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1121.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 1121.6 South Texas marketing area.

"South Texas marketing area", hereinafter called the "marketing area", means all territory, including all piers, docks, and wharves connected therewith, and all craft moored thereat, and territory occupied by Goverment (municipal, State or Federal) reservations, installations, institutions, or other similar establishments, within the boundaries of the following counties, all in the State of Texas:

Angelina.	Liberty.
Austin.	Madison.
Brazoria.	Matagorda.
Brazos.	Montgomery.
Chambers.	Nacogdoches.
Colorado.	Newton.
Fort Bend.	Orange.
Galveston.	Polk.
Grimes.	San Jacinto.
Hardin.	Trinity.
Harris.	Tyler.
Houston.	Walker.
Jackson.	Waller.
Jasper.	Washington.
Jefferson.	Wharton.

§ 1121.7 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit on routes shall not be a plant under this definition.

§ 1121.8 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted State or municipal health authority, or acceptable to any agency of the State or Federal Government for the disposition of Grade A fluid milk products in the marketing area, at which milk products are received, processed and/or packaged, and from which fluid milk products are disposed of on routes in the marketing area.

§ 1121.9 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which milk is moved to a distributing plant.

§ 1121.10 Pool plant.

"Pool plant" means:

(a) Any distributing plant, except a producer-handler plant or an other order plant, from which during the month:

(1) The disposition of fluid milk products on routes within the marketing area is 10 percent or more of the receipts of Grade A milk at such plant; and

(2) The total disposition of fluid milk products on routes is 50 percent or more of the receipts of Grade A milk at such plant;

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.12(d) at such plant is moved as fluid milk products in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September through December, unless the operator of such plant has filed with the market administrator before the first day of any month written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant; or

(c) Any plant operated by a cooperative association which has been approved by any duly constituted State or municipal health authority and at which milk is received from dairy farmers holding permits or authorization from such health authority, and at least 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

§ 1121.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution as Grade A milk in the marketing area are moved to a pool plant during the month but which is neither an other order plant nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither another order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes (other than to pool plants) in the marketing area during the month.

§ 1121.12 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any person in his capacity as the operator of a partially regulated distributing plant;

(c) Any cooperative association with respect to producer milk which it causes to be diverted from a pool plant of another handler to a nonpool plant for the account of such cooperative association;

(d) Any cooperative association with respect to milk of its producer members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association;

(e) Any person in his capacity as the operator of an other order plant from which route disposition of fluid milk products is made in the marketing area; or

(f) A producer-handler.

§ 1121.13 Producer.

(a) "Producer" means any person, except a governmental agency which operates a plant exempt pursuant to § 1121.62, or a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1121.14.

(b) "Producer" shall not include:

(1) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class II classification of such milk in the reports of receipts and utilization filed with their respective market administrators; and

(2) Any person with respect to milk produced by him which is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

§ 1121.14 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a cooperative association handler pursuant to § 1121.12 (d); and

(3) Diverted by the operator of such pool plant to a nonpoool plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler pursuant to § 1121.12(d) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler and;

(3) For the purposes of location adjustments pursuant to §§ 1121.53 and 1121.82, diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1121.15 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of milk during the month or 5 percent of his Class I disposition, whichever is less; and,

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1121.16 Fluid milk products.

"Fluid milk products" mean milk, skim milk, buttermilk, flavored milk, flavored milk drinks; sweet cream, cultured sour cream and sour cream products labeled Grade A; any mixture in fluid form of milk or skim milk and cream; concentrated milk or skim milk. Eggnog, frozen dessert mixes, yogurt, aerated cream products, evaporated milk, condensed milk or skim milk and sterilized products in hermetically sealed metal or glass containers shall not be fluid milk products pursuant to this section.

§ 1121.17 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts at a pool plant during the month of fluid milk products except (1) fluid milk products received from other pool plants, (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of products other than fluid milk products which are in a form in which they may be converted into fluid milk products or used to make Class II products and which are not otherwise accounted for pursuant to § 1121.33.

§ 1121.18 Route disposition.

"Route disposition", or "disposed of on routes", means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products, other than a delivery to a milk plant.

§ 1121.19 Butter price.

"Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month.

MARKET ADMINISTRATOR

§ 1121.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1121.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to this part.

§ 1121.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be described by the Secretary execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with satisfactory surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1121.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1121.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1121.30 to 1121.32, has not maintained adequate records and facilities pursuant to § 1121.33, or made payments pursuant to §§ 1121.80, 1121.84, 1121.86, and 1121.88;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(1) On or before the fifth day of each month, the minimum price for Class I milk computed pursuant to § 1121.51(a), and the Class I milk butterfat differential computed pursuant to § 1121.52(a) both for the current month, and the minimum price for Class II milk computed pursuant to § 1121.51(b) and the butterfat differential for Class II milk computed pursuant to § 1121.52(b), both for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price computed pursuant to § 1121.72; and the butterfat differential computed pursuant to § 1121.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

(l) On or before the 12th day after the end of each month report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association which was used in each class by each handler receiving such milk; for the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class.

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classifications to which such receipts are allocated pursuant to § 1121.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler who operates a pool plant (including a cooperative association in its capacity as a handler pursuant to § 1121.12(c)) and who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and as necessary, any changes in such classification arising in the verification of such report.

(o) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1121.46(a)(9) and the corresponding step of § 1121.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

REPORTS, RECORDS AND FACILITIES

§ 1121.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, reports of receipts and utilization for such month shall be made to the market administrator as follows in the detail and on forms prescribed by the market administrator:

(a) Each handler operating a pool plant shall report for each of his pool plants:

(1) Receipts of skim milk and butterfat in or represented by:

(i) Producer milk, showing separately receipts from producers and from each cooperative association bulk tank handler;

(ii) Receipts of fluid milk products from other pool plants; and

(iii) Other source milk, with the identity of each source.

(2) Inventories of fluid milk products at the beginning and end of the month:

(i) In packaged form; and

(ii) In bulk form.

(3) The utilization or disposition of all quantities required to be reported, showing separately:

(i) Total route disposition;

(ii) Route disposition in the marketing area;

(iii) Transfers to other pool plants;

(iv) Transfers to other order plants;

(v) Transfers to nonpool plants; and

(vi) Diversion to nonpool plants.

(4) Such other information with respect to receipts and utilization as the market administrator may request;

(b) Each cooperative association shall report with respect to milk for which it is the handler pursuant to § 1121.12 (c) or (d):

(1) Receipts of skim milk and butterfat from producers;

(2) The quantities delivered to each pool plant and to each nonpool plant;

(3) The utilization of all such milk not delivered to a pool plant; and

(4) Such other information as the market administrator may require.

(c) Each handler operating a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of Grade A milk from dairy farmers shall be reported in lieu of receipts of producer milk. Such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area.

§ 1121.31 Payroll reports.

On or before the 20th day of each month, each handler operating a pool plant(s), each cooperative association which is a handler pursuant to § 1121.12 (c) or (d), and each handler operating a partially regulated distributing plant and making payments pursuant to § 1121.61(a), shall submit to the market administrator his producer payroll (or in the latter case, his payroll for dairy farmers delivering Grade A milk) for deliveries made in the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 1121.32 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler operating an other order plant with route disposition in the marketing area shall report such disposition to the market administrator on or before the seventh day after the end of the month.

(c) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 1121.33 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 1121.34 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records, pertain: *Provided*, That, if within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c-(15)(A) of the Act or a court action specified in such notice the handler shall retain such books and records, or specified books, and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly,

upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1121.40 Basis of classification.

The skim milk and butterfat which are required to be reported pursuant to § 1121.30 shall be classified by the market administrator, subject to the provisions of §§ 1121.41 through 1121.46, inclusive. If any of the water contained in the milk from which a product is made has been removed, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids, contained in such product, plus all the water originally associated with such solids.

§ 1121.41 Classes of utilization.

Subject to the conditions set forth in §§ 1121.43 and 1121.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in subparagraphs (2), (3), (4), (5), or (6) of paragraph (b) of this section, subject to the following:

(i) Any such product in fluid form fortified with added milk solids shall be Class I milk in an amount equal only to the weight of an equal volume of a like unmodified product of the same butterfat content; and

(ii) Any such product in concentrated form shall be Class I only when disposed of for fluid consumption in consumer packages and in an amount equal to the skim milk and butterfat used to produce the quantity so disposed of.

(2) In inventory of fluid milk products in packaged form on hand at the end of the month; and

(3) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Contained in any fluid milk product which has been fortified with additional milk solids not fat which is in excess of the pounds classified as Class I milk pursuant to paragraph (a)(1) of this section;

(3) In frozen cream stored in a public warehouse and not moved within 30 days after date of storage;

(4) In fluid milk products disposed of for livestock feed;

(5) In fluid milk products dumped by a handler after notification to and opportunity for verification by the market administrator;

(6) In bulk milk, skim milk or cream disposed of to commercial food processing establishments (other than milk plants) and used at such establishments in food products composed principally of nondairy ingredients prepared for consumption off the premises;

(7) In inventory of bulk fluid milk products on hand at the end of the month;

(8) In actual shrinkage at each plant but not in excess of the following limitations:

(i) Two percent of receipts directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association handler pursuant to § 1121.12(d), except that if the handler operating the pool plant files notice with the market administrator that he is accounting for such milk on the basis of farm weights determined by the cooperative association, the applicable percentage shall be two percent; plus

(iii) 1.5 percent of bulk fluid milk products (except cream) received from other pool plants; plus

(iv) 1.5 percent of bulk fluid milk products received from other order plants, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of bulk fluid milk products received from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of bulk fluid milk products (except cream) disposed of to other milk plants, except, in the case of milk diverted to a nonpool plant, if the operator of the plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent.

(9) In shrinkage of skim milk and butterfat, respectively, in other source milk assigned pursuant to § 1121.42(b); and

(10) In shrinkage of skim milk and butterfat, respectively, resulting from milk for which a cooperative association is the handler pursuant to § 1121.12 (c) or (d) not being delivered to pool plants and nonpool plants, but not in excess of one-half percent of the quantity received from producers, exclusive of receipts for which farm weights are used as the basis of receipt at the plant to which delivered.

§ 1121.42 Assignment of shrinkage.

The market administrator shall prorate the total shrinkage of skim milk and butterfat, respectively, computed at each pool plant between the following:

(a) Skim milk and butterfat in amounts, respectively, equal to 50 times the maximum quantities that may be computed pursuant to § 1121.41(b)(8); and

(b) The skim milk and butterfat, respectively, in other source milk received as bulk fluid milk products, exclusive of the other source milk specified in § 1121.41(b)(8).

§ 1121.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified otherwise. With respect to milk received for delivery to a pool plant by a cooperative association handler pursuant to § 1121.12(d), the operator of the pool plant shall have the burden of proving the classification of the skim milk and butterfat defined in § 1121.14(a)(2);

(b) Milk received by a handler operating a pool plant from a cooperative association handler pursuant to § 1121.12 (d) shall be classified according to use or disposition at the receiving plant and the value thereof at class prices shall be included in the receiving handler's net obligation pursuant to § 1121.70; and

(c) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses the original classification was incorrect.

§ 1121.44 Transfers.

Skim milk or butterfat shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred in the form of fluid milk products from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1121.46(a)(9) and the corresponding step of § 1121.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1121.46(a)(4) and the corresponding step of § 1121.46 (b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1121.46(a)(8) or (9) and the corresponding steps of § 1121.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of other source milk received at the transferee plant;

(b) As Class I milk, if transferred in the form of bulk fluid milk products from a pool plant to a producer-handler or a plant exempt pursuant to § 1121.62;

(c) As Class I milk, if transferred or diverted in the form of bulk milk, skim milk, or cream to a nonpool plant that is not an other order plant, producer-handler plant, or a plant exempt pursuant to § 1121.62, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1121.30 for the month within which such transaction occurred;

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

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plants;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk.

(d) On the basis of the conditions and the allocation procedure described in paragraph (c) of this section at a second nonpool plant, that is neither an other order plant, nor a producer-handler plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, and from which all receipts of milk or skim milk are moved in bulk to such second nonpool plant for further processing;

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the transferor handler and the operator of the other order plant so request in their report of receipts and utilization filed with their respective market administrators, transfers and diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under the other order) available for such assignment pursuant to the allocation provisions of the other order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1121.41.

§ 1121.45 Computation of the skim milk and butterfat in each class.

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1121.30 for each pool plant of each handler, and compute the pounds of skim milk and butterfat in each class for such plant;

(b) If no fluid milk products to be assigned pursuant to § 1121.46(a) (8) or (9) were received at any of his pool plants, allocations pursuant to § 1121.46 and computation of obligations pursuant to § 1121.70 shall be made separately for each pool plant of a handler with two or more pool plants;

(c) Unless the conditions specified in paragraph (b) of this section apply, the market administrator shall combine the receipts and utilization (exclusive of utilization based upon movements between such plants) at all pool plants of such handler for purposes of allocation pursuant to § 1121.46 and computation of obligation pursuant to § 1121.70; and

(d) The market administrator shall determine the classification, allocation and pool obligation with respect to producer milk for which a cooperative association is accountable pursuant to § 1121.12 (c) and (d) separately from the operations of any pool plant operated by such cooperative association. The pounds of skim milk and butterfat so determined in each class shall be used for computation pursuant to § 1162.46 (c).

§ 1121.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1121.45, the market administrator shall determine the classification of producer milk for each handler (or pool plant, if applicable) as follows:

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

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk classified as Class II milk pursuant to § 1121.41(b)(8);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract from the remaining pounds of skim milk in Class I milk the pounds of skim milk in inventory of fluid milk products in packaged form on hand at the beginning of the month;

(4) Subtract in the order specified below from the pounds of skim milk remaining in each class in series beginning with Class II milk, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order or from a plant exempt pursuant to § 1121.62;

(5) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II milk but not in excess of such quantity:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant;

(*a*) For which the handler requests Class II milk utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in producer milk, receipts from other pool plants and receipts in bulk from other order plants; and

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

(6) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(7) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (5)(i) of this paragraph;

(9) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the

same plant, which were not subtracted pursuant to subparagraph (5) (ii) of this paragraph:

(i) In series beginning with Class II milk, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II milk utilization of skim milk announced for the month by the market administrator pursuant to § 1121.22(o) or the percentage that Class II milk utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I milk, the remaining pounds of such receipts;

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other handlers (or other pool plants, if applicable) according to the classification assigned pursuant to § 1121.44(a); and

(11) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II milk. Any amount so subtracted shall be known as "overage";

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

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1121.45(d) for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1121.50 Basic formula price.

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

§ 1121.51 Class prices.

Subject to the provisions of §§ 1121.52 and 1121.53, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) *Class I price.* For the 18-month period from the effective date of this order the Class I milk price applicable to Zone I plants shall be the basic formula price for the preceding month plus $2.48, and plus 20 cents through April 1969.

(b) *Class II price.* The Class II milk price shall be the basic formula price for the month, but not to exceed by more than 10 cents the sum of the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the butter price for the month, subtract 3 cents and multiply by 4.2;

(2) From the weighted average of the carlot prices per pound of spray process, nonfat dry milk solids, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 1121.52 Butterfat differentials to handlers.

If the average butterfat content of the milk of any handler allocated to any class pursuant to § 1121.46 is more or less than 3.5 percent, there shall be added to the respective class price, computed pursuant to § 1121.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.5 percent an amount equal to the butterfat differential computed by multiplying the butter price for the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125; and

(b) *Class II milk.* Multiply such price for the current month by 0.115.

§ 1121.53 Location differential to handlers.

(a) For that milk which is received from producers at a pool plant located north of U.S. Highway 90 or in Fayette County, Tex., and outside Zone I and which is transferred to another pool plant in the form of fluid milk products and assigned Class I disposition at the transferee plant pursuant to paragraph (c) of this section, or which is otherwise classified as Class I milk, and for other source milk for which Class I location adjustment credit is applicable, the price specified in § 1121.51(a) shall be reduced at the rate specified below for the applicable distance that such plant is located from the Houston city hall by shortest hard-surfaced highway distance, as determined by the market administrator:

Miles from city hall in Houston, Tex.	*Rate per hundredweight (cents)*
60 miles but less than 100 miles	12
100 miles but less than 140 miles	18
140 miles but less than 180 miles	22
180 miles but less than 225 miles	26

For plants located beyond the 225 miles distance from the city hall in Houston, Tex., the rate of adjustment will be increased 1.5 cents for each 10 miles or fraction thereof that such plant is located more than 225 miles from the city hall in Houston, Tex., by shortest hard-surfaced highway distance, as determined by the market administrator:

(b) For that milk which is received from producers at a pool plant located south of U.S. Highway 90 and outside of Zone I or Fayette County, Tex., and which is transferred to another pool plant in the form of fluid milk products and assigned Class I disposition at the transferee plant pursuant to paragraph (c) of this section, or which is otherwise classified as Class I milk and for other source milk for which a Class I location adjustment credit is applicable, the price specified in § 1121.51(a) shall be increased at the rate specified below for the applicable distance that such plant is located from the Houston city hall by the shortest highway distance, as determined by the market administrator.

Miles from city hall in Houston, Tex.	*Rate per hundredweight (cents)*
60 miles but less than 100 miles	12
100 miles but less than 140 miles	18

For plants located beyond the 140 miles distance from the city hall in Houston, Tex., the rate of adjustment will be increased at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located more than 140 miles from the city hall in Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator;

(c) For purposes of calculating such location adjustments transfers between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of 95 percent of receipts at such plant from producers and cooperative associations pursuant to § 1121.12(d), plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor plants having the same Class I price, next to transferor plants having a higher Class I price and then in sequence to plants having a lower Class I price, beginning with the plant at which the highest Class I price would apply.

§ 1121.54 Pricing zone.

Zone I will consist of all the territory located within 60 miles of the nearer of the city halls in Beaumont and Houston, Tex.

§ 1121.55 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1121.60 Plants subject to other Federal orders.

The provisions of this part shall not apply with respect to the operation of any plant specified in paragraph (a), (b), or (c) of this section except that the operator shall, with respect to total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order and from which, the Secretary

determines, a greater quantity of Class I milk is disposed of during the month on routes in such other Federal order marketing area than was disposed of on routes in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its Class I disposition is made in such other marketing area unless, notwithstanding the provisions of this paragraph, it is regulated under such other order.

(b) A plant meeting the requirements of § 1121.10(a) which also meets the pooling requirements of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines a greater quantity of Class I milk is disposed of during the month on routes in this marketing area than is so disposed of in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

(c) A plant meeting the requirements of § 1121.10(b) which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August, if such plant retains automatic pooling status under this part.

§ 1121.61 Obligation of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1121.30 and 1121.31 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1121.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfer from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1121.70(e) and a credit computed at the uniform price with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1121.30 and 1121.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1121.9, with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

§ 1121.62 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products disposed of by a handler to such agencies shall be classified on the same basis as though disposed of to a producer-handler.

§ 1121.63 Producer-handler.

Sections 1121.40 through 1121.46, 1121.50 through 1121.55, 1121.70 through 1121.72, and 1121.80 through 1121.89 shall not apply to a producer-handler.

Determination of Uniform Price

§ 1121.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler (at each pool plant, if applicable) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1121.46(c), by the applicable class prices (adjusted pursuant to §§ 1121.52 and 1121.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1121.46(a)(11) and the corresponding step of § 1121.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(6) and the corresponding step of § 1121.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1121.46(a)(4) and the corresponding step of § 1121.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received with respect to skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(8) and the corresponding step of § 1121.46(b); and

(f) Add an amount determined by multiplying the difference between the Class I price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.46(a)(3) and the corresponding step of § 1121.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

§ 1121.71 Computation of aggregate value used to determine uniform price.

For each month the market administrator shall compute an aggregate value from which to determine the uniform price per hundredweight for milk of 3.5 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1121.70 for all handlers who made the reports prescribed in § 1121.30 and who made the payments pursuant to § 1121.80 for the preceding months;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Subtract, if the average butterfat content of the milk specified in § 1121.72(a) is greater than 3.5 percent or add, if such average butterfat content

is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1121.81 and multiplying the resulting figure by the total hundredweight of such milk; and

(d) Add the aggregate of the values of the minus location differentials pursuant to § 1121.82, and subtract the aggregate of the value of the plus location differentials pursuant to § 1121.82.

§ 1121.72 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight applicable for milk of 3.5 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 1121.71 by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1121.70(e); and

(b) Subtract not less than 4 cents nor more than 5 cents.

PAYMENTS

§ 1121.80 Time and method of payment.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 1126.72, adjusted by the butterfat differential computed pursuant to § 1121.81 and the location differential computed pursuant to § 1121.82 and less the amount of payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment for such month pursuant to § 1121.85, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section, and (2) who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 3.5 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1121.31.

(d) As follows, to each cooperative association for milk for which it is the handler pursuant to § 1121.12(d):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, less the amount of payment made pursuant to subparagraph (1) of this paragraph.

(e) On or before the 13th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk at the applicable price(s) for the class(es) at which transferred pursuant to § 1121.44(a).

§ 1121.81 Butterfat differentials to producers.

In making payments to producers pursuant to § 1121.80, the uniform price shall be increased or decreased for each one-tenth of 1 percent which the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 1121.46 by the respective butterfat differentials in each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1121.82 Location adjustments to producers.

In making payments pursuant to § 1121.80, the uniform price computed pursuant to § 1121.72 to be paid for such milk received at a pool plant at which a location differential pursuant to § 1121.53 (a) or (b) applies will be subject to a location differential (plus or minus) equal to that specified in such section.

§ 1121.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 1121.61, 1121.84, and 1121.86, and out of which he shall make all payments to handlers pursuant to §§ 1121.85 and 1121.86.

§ 1121.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The total of the net pool obligation computed pursuant to § 1121.70 for such handler;

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform price computed pursuant to § 1121.72, and

(2) The value at the uniform price applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1121.70(e).

§ 1121.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1121.84(b) exceeds the amount computed pursuant to § 1121.84(a). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler, pursuant to § 1121.84, § 1121.86, § 1121.87, or § 1121.88.

§ 1121.86 Adjustment of accounts.

(a) *Payments.* Whenever verification by the market administrator of any handler's reports, books, records, accounts, or payments discloses errors resulting in money due:

(1) The market administrator from such handler;

(2) Such handler from the market administrator; or

(3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1121.84, 1121.85, 1121.87, 1121.88, or paragraph (a) (1) and (2) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 1121.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1121.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hun-

dredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such monies shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which deduction was computed for each such producer.

§ 1121.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that pursuant to § 1121.14(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1121.46(a) (4) and (8) and the corresponding steps of § 1121.46(b); and

(c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1121.89 Termination of obligation.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or 2 years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1121.90 Effective time.

The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1121.91.

§ 1121.91 Suspension or termination.

The Secretary may suspend or terminate this subpart or any provision of this part whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1121.92 Actions after suspension or termination.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1121.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market adminstrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1121.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1121.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

Sections 1121.0 through 1121.46 and §§ 1121.90 through 1121.101 shall be effective on and after September 1, 1968, and all of the remaining provisions shall be effective on and after October 1, 1968.

Signed at Washington, D.C., on August 28, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-10581; Filed, Aug. 30, 1968; 8:50 a.m.]

[Milk Order 126]

PART 1126—MILK IN THE NORTH TEXAS MARKETING AREA

Order Amending Order

§ 1126.0 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 pro-

visions 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 North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Receipts from producers (including such handler's own production);

(ii) Receipts from cooperative associations in their capacity as a handler pursuant to § 1126.12 (c) and (d);

(iii) Other source milk allocated to Class I pursuant to § 1126.46(a) (3) and (7) and the corresponding steps of § 1126.46(b); and

(iv) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

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

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

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

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

ORDER RELATIVE TO HANDLING

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

1. Section 1126.6 is revised to read as follows:

§ 1126.6 North Texas marketing area.

"North Texas marketing area", hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities, and State institutions, within the following counties, all in the State of Texas:

Anderson.	Kaufman.
Bosque.	Lamar.
Camp.	Limestone.
Cherokee.	Marion.
Cooke.	Morris.
Collin.	Navarro.
Dallas.	Panola.
Delta.	Parker.
Denton.	Rains.
Ellis.	Red River.
Erath.	Rockwall.
Fannin.	Rusk.
Franklin.	Rusk:
Freestone.	Sabine.
Grayson.	San Augustine.
Gregg.	Shelby.
Harrison.	Smith.
Henderson.	Somervelll.
Hill.	Tarrant.
Hood.	Titus.
Hopkins.	Upshur.
Hunt.	Van Zandt.
Johnson.	Wood.

2. The introductory text of § 1126.51 is revised to read as follows:

§ 1126.51 Class prices.

Subject to the provisions of §§ 1126.52, 1126.53, and 1126.55, the minimum prices per hundredweight to be paid by each handler for milk received from producers during the month shall be as follows:

* * * * *

3. Section 1126.53(a) is revised to read as follows:

§ 1126.53 Location differentials to handlers.

(a) For that milk which is received from producers at a pool plant outside the marketing area or Bowie or Cass Counties, Tex., or the city of Texarkana, Ark., and 110 miles or more from the city hall in Dallas, Tex., and which is transferred to another pool plant in the form of fluid milk products and classified as Class I milk, or which is otherwise classified as Class I milk and for other source milk for which a Class I location adjustment credit is applicable, the price specified in § 1126.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas city hall by shortest hard-surfaced highway distance, as determined by the market administrator; and

* * * * *

4. A new § 1126.55 is added as follows:

§ 1126.55 Pricing zones.

(a) *Zone I.* Zone I shall include all territory within the following Texas counties in the marketing area:

Bosque.	Hood.
Cooke.	Hopkins.
Collin.	Hunt.
Dallas.	Johnson.
Delta.	Kaufman.
Denton.	Lamar.
Ellis.	Limestone.
Erath.	Navarro.
Fannin.	Parker.
Freestone.	Rockwall.
Grayson.	Somervell.
Hill.	Tarrant.

The price applicable to milk received at plants located in Zone I and classified as Class I milk shall be the price specified in § 1126.51(a).

(b) *Zone II.* Zone II shall include all territory in the marketing area outside of Zone I and all territory in Bowie and Cass Counties, Tex., and the city of Texarkana, Ark. The price applicable to milk received at plants located in Zone II and classified as Class I milk shall be the price specified in § 1126.51(a) plus 10 cents per hundredweight.

5. Section 1126.71(d) is revised to read as follows:

§ 1126.71 Computation of aggregate value used to determine uniform price.

* * * * *

(d) Add the aggregate of the values of minus location adjustments and subtract the aggregate of all plus location adjustments pursuant to § 1126.91(b).

6. Section 1126.91(b) is revised to read as follows:

§ 1126.91 Butterfat and location differentials to producers.

* * * * *

(b) *Location adjustments.* (1) In making payments to producers pursuant to § 1126.90 (a) or (c) the applicable uniform price computed pursuant to § 1126.72 to be paid for producer milk received at a pool plant should be adjusted according to the location of the pool plant at the rate set forth in § 1126:53 or § 1126.55.

(2) For purposes of computation pursuant to §§ 1126.93 and 1126.94 the uniform prices should be adjusted at the rates set forth in §§ 1126.53 and 1126.55 applicable at the location of the nonpool plant from which the milk was received.

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

Effective date: October 1, 1968.

Signed at Washington, D.C., on August 28, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68-10582; Filed, Aug. 30, 1968; 8:50 a.m.]

[Milk Order 138]

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

Order Amending Order

§ 1138.0 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 Agricultral 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 agfeements 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 Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 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 Acting Deputy Administrator, Regulatory Programs, was issued August 6, 1968, and the decision of the Acting Secretary containing all amendment provisions of this order was issued August 26, 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 September 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 Rio Grande Valley 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. In § 1138.51, paragraph (a) is revised to read as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.15 and plus 20 cents through April 1969.

* * * * *

2. In § 1138.55 the introductory text preceding paragraph (a) and paragraph (b) are revised to read as follows:

§ 1138.55 Credit for specified Class II uses.

From the effective date hereof through August 1969, producer milk classified as Class II milk in the following utilizations shall be subject to a credit at the respective rates specified:

* * * * *

(b) For skim milk in producer milk used to produce condensed skim milk, and for milk or skim milk transferred or diverted as Class II milk to a nonpool plant located outside the marketing area from a pool plant or from farms located within the marketing area, at the rate specified in paragraph (a) of this section, less 40 cents.

* * * * *

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

Effective date: September 1, 1968.

Signed at Washington, D. C., on August 28, 1968.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 68–10578; Filed, Aug. 30, 1968; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Dealers' Reserve and Differential Accounts

Section 204.106 is revised to read as follows:

§ 204.106 Member bank reserve requirements for dealers' reserves and differential accounts.

(a) The Board of Governors has reviewed its interpretations on the "deposit" status of so-called "dealers' reserves" and "differential accounts" (especially 1942 Federal Reserve Bulletin 302 and 1960 Federal Reserve Bulletin 265) and has concluded that the distinctions previously drawn between such accounts are not warranted and should be abandoned.

(b) A dealer's reserve or differential account usually arises when a merchant ("dealer") enters into an arrangement with a bank under which the bank furnishes the dealer with financing of his installment accounts receivable on the basis of a sale of such receivables to the bank. Despite language to the contrary in many of the sale agreements, the proceeds of the credit that the dealer receives upon the purchase of contracts by the bank is only a portion (such as 90 percent) of the amount due on such contracts. Depending on the results of collections on the contracts purchased, some (or all) of the remainder may be realized by the dealer later.

(c) The establishment of a dealer's reserve account or differential account does not arise from the receipt of funds by the bank but rather from a bookkeeping entry to reflect a contingent obligation of the bank to make funds available to the dealer in the future, in specified circumstances. (Typical accounting entries by the bank are a debit to "Loans and discounts" for the principal due on the contracts purchased, a credit to the dealer's checking account for 90 percent of such amount, and a credit to a "Dealer's reserve" or "Differential account" for the remainder.) As installment payments are made on the contracts purchased, the funds received reduce the amount due on the contracts (a credit to "Loans and discounts") and may, at a time or times specified in the

bank-dealer agreement and in amounts calculated in accordance therewith, result in the bank making additional credit available to the dealer (a debit to the "Dealer's reserve" or "Differential account" and credit to the dealer's checking account). Until such time, ownership of the funds is in the bank, as in the case of any other funds received in repayment of an obligation owned by the bank. If collections are made by the dealer on behalf of the bank, the dealer may, in accordance with the terms of the agreement, remit to the bank less than the full amount collected, retaining an amount equal to the additional credit that the bank would be obliged to make available to the dealer if collections were made by the bank itself.

(d) In 1966, the Board reversed a long-standing position that member banks must maintain reserves against payments received by a bank from a borrower on an instalment loan that are not immediately used to reduce the amount due on the loan but are held by the bank until the sum of such payments equals the entire amount of principal and interest (so-called "hypothecated deposits"). In holding that such payments are not deposits against which reserves must be maintained (1966 Federal Reserve Bulletin 808; § 204.111), the Board concluded that "where the agreement between the bank and the borrower is such that instalment payments on loans are irrevocably assigned to the bank and can not be reached by the borrower or his creditors, such payments are not 'deposits' regardless of the terms used * * * in the bank's books and records".

(e) The Board believes that, with respect to "deposit" status, the considerations relating to dealers' reserves and differential accounts are similar to those relating to hypothecated deposits. As in the case of hypothecated deposits, a customer of the bank (the dealer) may not make withdrawals from credit to his name (in a dealer's reserve or differential account). Nor does the dealer have access to the funds received by the bank in payment on the instalment contracts purchased from the dealer, unless and until, pursuant to the provisions of the bank-dealer agreement, the bank becomes liable to the dealer for an amount representing a portion thereof.

(f) For the purposes of section 19 of the Federal Reserve Act (12 U.S.C. 461) and Federal Reserve Regulation D (12 CFR Part 204), the Board considers that a deposit liability exists only when there is an indebtedness on the part of a bank with respect to either funds received or credit extended by the bank, and that "indebtedness" for this purpose does not include a contingent liability of the kind represented by a dealer's reserve or differential account. A similar contingent liability that does not constitute such an indebtedness arises in connection with a commitment to make a loan.

(g) Accordingly, the Board has concluded that, when a member bank furnishes a dealer with financing of his instalment accounts receivable on the basis of a "sale" of such receivables to the bank, no deposit liability arises as a result of an account created as a margin of security for the bank, whether described as a "dealer's reserve", "differential account", or otherwise, unless and until, and then only to the extent that, the bank becomes actually (as distinguished from contingently) obligated to make credit or funds available to the dealer. Stated in another way, such credit or funds constitute a deposit liability for the purposes of section 19 and Regulation D only to the extent that they could be reached immediately by the dealer's creditors in the event of his insolvency.

(h) This ruling supersedes all previous rulings of the Board relating to the "deposit" status of dealers' reserve accounts and differential accounts.

(Interprets and applies 12 U.S.C. 461)

Dated at Washington, D.C., the 12th day of August 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-10522; Filed, Aug. 30, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68-WE-2-AD, Amdt. 39-646]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 39-403 (32 F.R. 6185), AD 67-13-1, applicable to Boeing Model 720 and 720B airplanes with more than 8,000 hours' time in service, required inspections and repair of wing center section upper forward skin panels. Amendment 39-403 was issued to furnish instructions after an AD was adopted on April 13, 1967, and made effective immediately, by telegram, to all known operators of Boeing 720 and 720B airplanes with more than 8,000 hours' time in service.

Since the issuance of Amendment 39-403, reports of structural cracks in 707 Series aircraft have been received. Cracks in these panels lead to loss of the structural integrity of the center section wing box. Since this condition is likely to exist or develop in other airplanes of the same design, a new airworthiness directive is being issued to supersede Amendment 39-403, expanding the applicability of the inspections and repair to both 707 and 720 Series airplanes listed in Boeing Service Bulletin 2590, Revision 6, or later FAA approved revisions, and providing for a repetitive inspection requirement.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in 30 days.

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

BOEING: 707 and 720 airplanes. Applies to all 707/720 aircraft listed in Boeing Service Bulletin 2590, Revision 6, or later FAA approved revisions.

Compliance required as indicated:

To detect cracking and prevent failure of the wing center section upper forward skin panels, accomplish the following:

(a) For airplanes which have not had the bulb angle stiffeners added to the upper forward center section wing skins in accordance with Part III of Boeing Service Bulletin 2590, inspect the forward upper center section wing skin panels for cracks as noted in and at the times specified in (c) or (d) as appropriate, and, if cracks are found, repair in accordance with (i) prior to further flight.

(b) Inspect the upper wing skin center section for cracks in accordance with (h) at the intervals specified therein, on aircraft which have had the bulb angle stiffeners added in accordance with Part III of Boeing Service Bulletin 2590 to the forward upper center section wing skins with more than:

4,000 flight hours (for 720/720B aircraft).
7,500 flight hours (for 707-100/200/300B/300C aircraft).
10,000 flight hours (for 707-300/400 aircraft).

after the effective date of this AD.

(c) For aircraft having less than:

8,000 hours (for 720/720B aircraft).
12,000 hours (for 707-300/400/300B/300C aircraft).
14,000 hours (for 707-100/200 aircraft).

time in service on the effective date of this AD, prior to the accumulation of:

8,500 hours (for 720/720B aircraft).
12,500 hours (for 707/300/400/300B/300C aircraft).
14,500 hours for (707-100/200 aircraft).

time in service, accomplish the initial inspection in accordance with (e). Within 500 hours time in service after accomplishment of the initial inspection, initiate the inspection program described in (f) for 707 Series aircraft and described in (g) for the 720 Series aircraft.

(d) For aircraft having:

8,000 or more hours (for 720/720B aircraft).
12,000 or more hours (for 707-300/400/300B/300C aircraft).
14,000 or more hours (for 707-100/200 aircraft).

time in service upon the effective date of this AD, accomplish one of the following as appropriate:

(i) Conduct an initial inspection in accordance with (e) within 500 hours time in service after the effective date of this AD. Within 500 hours time in service after the initial inspection of (e), initiate the inspection program described in (f) for 707 Series aircraft and described in (g) for 720 Series aircraft.

(ii) If an initial inspection in accordance with (e) has already been conducted prior to the effective date of this AD, within 500 hours time in service after the effective date of this AD, initiate the inspection program described in (f) for 707 Series aircraft and described in (g) for 720 Series aircraft.

(e) Inspect the forward upper center section wing skin for cracks in accordance with Part I, paragraphs b and c of Boeing Service Bulletin 2590 (revision 6 or later FAA ap-

proved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Inspect the forward upper center section wing skin for cracks as specified below, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region;

(i) Inspect the area noted in Part I, paragraph f(1) of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions) using either visual or dye penetrant inspection techniques.

If visual inspection techniques are followed, repeat inspections at intervals not to exceed 500 hours time in service, or if dye penetrant inspection techniques are followed, repeat inspections at intervals not to exceed 1000 hours time in service.

(ii) Inspect the area noted in Part I, paragraph (b) of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions) by use of dye penetrant inspection techniques and repeat these inspections at intervals not to exceed 2,000 hours time in service.

(g) Inspect the areas of the upper center section wing skin noted in Part I Paragraph b of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions) by use of dye penetrant inspection techniques. Repeat inspections are to be conducted at intervals not to exceed 1,000 hours time in service.

(h) Visually inspect the areas defined in Part I paragraph b of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions)

(i) at intervals not to exceed 3,500 hours time in service after accomplishment of the bulb angle modification, or

(ii) within 500 hours time in service after the effective date of the AD, and at intervals thereafter not to exceed 3,500 hours time in service if the bulb angle modification was accomplished prior to 3,000 hours time in service after the effective date of this AD.

If cracks are found, repair in accordance with (i)(ii), (i)(iii) or (i)(iv).

(i) Repair cracks in accordance with (i), (ii), (iii) or (iv) below.

(i) Boeing Drawing 65-65658 and inspect in accordance with (f) for 707 Series aircraft and (g) for 720 Series aircraft at intervals specified in the respective paragraphs.

(ii) Boeing Drawing 65-65658 and Part III of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions). Repeat inspections are to be conducted in accordance with (h) at the times specified therein.

(iii) Replace the upper forward center section wing skins and add bulb angles in accordance with the paragraph titled "Termination Modification Data" of Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions).

(iv) A method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(j) Upon accomplishment of the "terminating modification" as specified in Boeing Service Bulletin 2590 (Revision 6 or later FAA approved revisions) or a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, the inspections required by this AD may be discontinued.

(k) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR 21.197 with the concurrence of Chief, Aircraft Engineering Division, FAA Western Region, to a base where the rework can be accomplished.

(l) Upon request of an operator, an FAA Maintenance Inspector, subject to prior approval of Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 39-403 (32 F.R. 6185), AD 67-13-1.

This amendment becomes effective on October 5, 1968.

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

Issued in Los Angeles, Calif., on August 22, 1968.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[F.R. Doc. 68-10535; Filed, Aug. 30, 1968; 8:46 a.m.]

[Docket No. 68-CE-13-AD, Amdt. 39-647]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 177 Aircraft

There have been failures of the oil pressure gauge line on Cessna Model 177 aircraft that results in loss of engine oil supply and subsequent engine seizure.

Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued requiring replacement of the oil pressure gauge line between the engine crankcase and aircraft firewall on Cessna Model 177 aircraft.

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

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

CESSNA. Applies to Model 177, Serial Nos. 661, and 17700001 and 17700003 through 17701164 airplanes.

Compliance: Required within the next 10 hours' time-in-service after the effective date of this airworthiness directive, unless already accomplished.

To prevent failure of the oil pressure gauge line between the engine crankcase and aircraft firewall, accomplish the following:

(A) Replace the copper oil pressure gauge line assembly between the engine crankcase and aircraft firewall with a flexible hose assembly in accordance with Cessna Service Letter No. SE68-14, Supplement No. 1, dated August 23, 1968, or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, Central Region.

This amendment becomes effective September 5, 1968.

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

Issued in Kansas City, Mo., on August 23, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-10536; Filed, Aug. 13, 1968; 8:46 a.m.]

[Airspace Docket No. 67-CE-148]

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

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 68-2479 appearing at page 3508 of the issue for Thursday, February 29, 1968, in the transition area appearing under amendatory paragraph 2 (§ 71.181), line 13, "220°" should read "229°".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1375]

PART 13—PROHIBITED TRADE PRACTICES

Kingsley Coats, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act; 13.1053-80 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act; 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: §13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; §13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, 719, as amended, 72 Stat. 1717, sec. 8, 65 Stat. 179, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 70 69f, 68) [Cease and desist order, Kingsley Coats, Inc., et al., New York, N.Y., Docket C-1375, July 12, 1968]

In the Matter of Kingsley Coats, Inc., a Corporation, Doing Business Under Its Own Name and as Kingsley-Parkmoor, and Charles Goldberg, Individually and as an Officer of the Aforesaid Corporation, and Frank De Vito Individually and as Factory Manager of the Aforesaid Corporation, and Parkmoor, Inc., a Corporation, Doing Business Under Its Own Name and as Kingsley-Parkmoor

Consent order requiring two affiliated manufacturers of ladies' wool and fur trimmed coats and suits to cease misbranding, improperly invoicing, and falsely guaranteeing their wool, fur, and textile fiber products.

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

It is ordered, That respondents Kingsley Coats, Inc., a corporation, doing business as Kingsley-Parkmoor or under any other name, and its officers, and Charles Goldberg, individually and as an officer of said corporation, and Frank De Vito individually and as factory manager of the aforesaid corporation and Parkmoor, Inc., a corporation, doing business as Kingsley-Parkmoor and under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

A. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the character or amount of constituent fibers included therein.

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

C. Failing to affix labels to samples, swatches, or specimens of wool products used to promote or effect the sale of wool products, showing in words and figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Kingsley Coats, Inc., a corporation, doing business as Kingsley-Parkmoor or under any other name, and its officers, and Charles Goldberg, individually and as an officer of said corporation and Frank De Vito individually and as factory manager of said corporation, and Parkmoor, Inc., a corporation, doing business as Kingsley-Parkmoor and under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur products which are made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any such fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the said Act.

It is further ordered, That respondents Kingsley Coats, Inc., a corporation, doing business as Kingsley-Parkmoor or under any other name, and its officers, and Charles Goldberg, individually and as an officer of said corporation, and Frank De Vito, individually and as factory manager of said corporation and Parkmoor, Inc., a corporation, doing business as Kingsley-Parkmoor and under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents Kingsley Coats, Inc., a corporation, doing business as Kingsley-Parkmoor or under any other name, and its officers, and Charles Goldberg, individually and as an officer of said corporation, and Frank De Vito, individually and as factory manager of said corporation, and Parkmoor, Inc., a corporation, doing business as Kingsley-Parkmoor and under any other name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

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

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

Issued: July 12, 1968.

By the Commission.

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

[F.R. Doc. 68-10526; Filed, Aug. 30, 1968; 8:45 a.m.]

[Docket No. C-1374]

PART 13—PROHIBITED TRADE PRACTICES

Madison News Agency et al.

Subpart—Coercing and Intimidating: § 13.370 *Suppliers and sellers.* Subpart—Combining or conspiring: § 13.397 *To cut off competitor's supplies.* Subpart—Cutting off supplies or service: § 13.617 *Inducing suppliers to refuse to sell to competitors.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Madison News Agency et al., Madison, Wis., Docket C-1374, July 12, 1968]

In the Matter of Madison News Agency, a Corporation; Seidler News Agency, Inc., a Corporation; and Harry J. Tobias, Individually, and as an officer of Each of the Above Corporations

Consent order requiring dominate wholesalers of books and magazines located at Madison, Wis., and Rockford, Ill., to cease illegally restraining competition by threatening and coercing their supplier publishers.

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

It is ordered, That respondents Madison News Agency and Seidler News Agency, Inc., corporations, and their officers, and Harry J. Tobias, both individually and as an officer of said corporations, respondents' agents, employees, or representatives, directly or through any corporate or other device, in connection with the purchase, distribution, offering for sale, or resale of books, magazines, or other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from engaging in the following acts or practices:

1. Reducing the quantity of publications ordered from or threatening to refuse to deal with any publisher or vendor for the purpose of inducing said publisher or vendor to refuse to sell his products to a potential or existing wholesale competitor in the distribution of such publications.

2. Agreeing, combining, or conspiring with any competitor or other distributor of books, magazines, or other publications for the purpose or with the effect of allocating, dividing, or assigning exclusive sales territories, customers, or potential customers among or to any distributor of said publications.

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

Issued: July 12, 1968.

By the Commission.

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

[F.R. Doc. 68-10527; Filed, Aug. 30, 1968; 8:45 a.m.]

[Docket No. C-1376]

PART 13—PROHIBITED TRADE PRACTICES

Joseph Schulman

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–10 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Joseph Schulman, Dallas, Tex., Docket C-1376, July 12, 1968]

Consent order requiring a Dallas, Tex., salesman of fur products to cease falsely invoicing and deceptively advertising his fur products.

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

It is ordered, That respondent Joseph Schulman, an individual, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing any fur product by:

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

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

3. Representing, directly or by implication on an invoice, that any price whether accompanied or not by descriptive terminology is the former retail price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith at retail in the recent regular course of business, or otherwise misrepresenting the retail price at which such fur product had been sold or offered for sale.

4. Falsely or deceptively representing, that savings are afforded to the purchaser of any such fur product or misrepresenting in any manner the amount of savings afforded to the purchaser of such fur product.

5. Misrepresenting in any manner that the price of any such fur product is reduced.

6. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

7. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

B. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Represents, directly or by implication, that any price whether accompanied or not by descriptive terminology is the former retail price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith at retail in the recent regular course of business, or otherwise misrepresents the retail price at which such fur product had been sold or offered for sale.

4. Falsely or deceptively represents, that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

5. Falsely or deceptively represents in any manner that the price of any such fur product is reduced.

6. Sets forth information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

7. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

C. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act are based.

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

Issued: July 12, 1968.

By the Commission.

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

[F.R. Doc. 10528; Filed, Aug. 30, 1968; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin—Container Disclosure for Contents of Multiple Foreign Origin

§ 15.283 Foreign origin—Container disclosure for contents of multiple foreign origin.

(a) The Commission advised a requesting party regarding information as to origin which should be set forth on a kit containing three domestic and eight foreign components from four different foreign countries.

(b) Although the individual components are separately marked as to origin, this information is not readily available to a prospective purchaser at the time of purchase.

(c) The Commission stated that a clear and conspicuous disclosure should be made on the container in the following terms, or in substantially equivalent terms:

"Some of the enclosed items are made in [countries] W, X, Y, and Z."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 29, 1968.

By direction of the Commission.[1]

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

[F.R. Doc. 68-10551; Filed, Aug. 30, 1968; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Location of Foreign Origin Disclosure

§ 15.284 Location of foreign origin disclosure.

(a) In response to a request for an advisory opinion, the Commission announced it would be necessary to disclose the foreign country of origin of imported stainless steel flatware on the outer portion of the cover of the container.

(b) Under the facts presented to it, the flatware will be properly marked as to its foreign country of origin on the underside of the handle when it is imported. Because of the manner in which the flatware will be repackaged in the United States, the foreign origin marking will not be seen by prospective purchasers through the cover of the container. Moreover, each container will be sealed with a plastic film wrapper thus making it virtually impossible to

[1] Commissioner Elman did not concur.

inspect the merchandise prior to the purchase thereof.

(c) The specific question ruled upon by the Commission was whether it would be necessary to disclose the foreign origin on the outer portion of the container, in view of the fact that the disclosure on the flatware cannot be seen prior to the purchase of the merchandise.

(d) In ruling that a meaningful disclosure would be required, the Commission said: "Whenever an affirmative disclosure of the foreign country of origin is required in order to prevent deception, the general rule is that the marking must be clear and conspicuous. This means that the disclosure must be placed in a location at the point of sale where it would be readily observed by prospective purchasers making a casual inspection of the merchandise prior to, not after, the purchase thereof. Under the facts described in your letter, the container normally would not be opened until after the purchase has been consummated. Since the disclosure of origin on the underside of the flatware cannot be seen through the cover of the container, the Commission is of the opinion that the disclosure will have to be made on the outer portion of the cover of the container in order to inform prospective purchasers of a material fact bearing upon their selection."

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 29, 1968.

By direction of the Commission.

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

[F.R. Doc. 68–10554; Filed, Aug. 30, 1968; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Formation of Common Marketing Association by Agricultural Cooperatives

§ 15.285 Formation of common marketing association by agricultural cooperatives.

(a) The Commission rendered an advisory opinion to the effect that it could see no objection to the formation by three agricultural cooperatives of a nonprofit marketing association.

(b) While the marketing association was to be formed by the three cooperatives under State law, it was contemplated that any other producer of the same products could become a member. At the time, there were several other corporations which were not marketing cooperatives but which were engaged in the production of the same products.

(c) It was stated that the association would have no capital stock, would be a nonprofit cooperative organized for the mutual benefit of its members, membership would be restricted to producers who patronize the association, voting rights were to be equal and no member was to have more than one vote. Property rights were to be unequal and in proportion to the patronage of each member to the total patronage of all members with the association. It was further provided that the association would not market the products of nonmembers.

(d) The proposed contract with the producers provided that the association would be the exclusive sales agent of the producers for the purpose of marketing their products. The Association could, under the contract, market or direct the marketing of all products produced by the producers in such manner and under such prices as it deems best. The association could designate authorized handlers to market the products of the members and the producers must market through these handlers. The producers themselves could execute a Handler's Contract and become authorized handlers.

(e) The Handler's Contract between the association and all authorized handlers provided that the handler was to act as the hired sales agent for the association and was to be governed by the rules, regulations, orders and prices issued by the association. The handler agreed therein not to sell for less than the prices recommended by the association. The handlers could, under the contract, market other products for the producers and could handle products for nonmembers.

(f) The opinion pointed out that the purpose of the Capper-Volstead Act (7 U.S.C. 291, 292) is to permit persons engaged in agricultural pursuits to associate in the collective marketing of their products. Under its provisions cooperative associations may make contracts or agreements as will effect such purpose and may have marketing agents in common. It has been construed as a grant of immunity from the antitrust laws insofar as collaboration among members of the cooperative associations are concerned. This immunity ends, however, at the point where they act, either by themselves or with other persons or entities not in this category, to restrain trade or otherwise eliminate competition at successive stages in the marketing process.

(g) The opinion further advised that the Commission had considered the proposal and was of the opinion that formation of the proposed marketing association by the three cooperatives would not result in violation of Commission administered statutes if implemented in the manner outlined. The Commission cautioned, however, that the opinion was limited to the formation of the proposed marketing association and was not to be construed as approval for any practice which may be predatory in nature, may result in unlawful monopolization, may restrain commerce to the extent that prices are unduly enhanced thereby, nor to conspiracies or combinations between the association and persons or entities not in this category.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 29, 1968.

By direction of the Commission.

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

[F.R. Doc. 68–10553; Filed, Aug. 30, 1968; 8:48 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Origin—Labeling Requirements for Tennis Shoes Made in Virgin Islands With Foreign Component

§ 15.286 Foreign origin—Labeling requirements for tennis shoes made in Virgin Islands with foreign component.

(a) The Commission advised a requesting party that no disclosure need be made as to the presence of foreign made uppers used in the manufacture of tennis shoes in the Virgin Islands.

(b) The uppers account for less than 30 percent of the total product value of the shoes and the other components are of domestic origin.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: August 29, 1968.

By direction of the Commission.

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

[F.R. Doc. 68–10552; Filed, Aug. 30, 1968; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 68–216]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Tonnage Tax; Dual Tonnage Vessels

Tonnage tax; collection of an applicable net tonnage for vesels with tonnage marks and dual tonnages—§ 4.20, Customs Regulations, amended.

Public Law 89–219 (46 U.S.C. 83–83k; T.D. 56509) and regulations issued thereunder (T.D. 66–57) provide for implementation by the United States of the "Recommendations on the Treatment of Shelter-Deck and Other 'Open' Spaces" of the Inter-Governmental Maritime Consultative Organization (IMCO) under which certain spaces in a vessel's 'tween deck are exempted from tonnage if a tonnage mark on the vessel's side, placed below the second deck, is not submerged.

Consistent with the intent of Public Law 89–219 that a vessel with a tonnage mark and dual tonnages shall have the benefit of the lower tonnages wherever possible, instructions have previously been issued to customs officers that tonnage tax is to be collected on the lower of the net tonnages assigned if the tonnage mark is not submerged at the time of arrival of the vessel and on the higher net tonnage if the tonnage mark is submerged.

To incorporate these instructions in the regulations, § 4.20(f), Customs Regulations, is amended by adding the following at the end thereof:

§ 4.20 Tonnage taxes.

* * * * *

(f) * * * For the purpose of computing tonnage tax on a vessel with a tonnage mark and dual tonnages, the higher of the net tonnages stated in the vessel's marine document or tonnage certificate shall be used unless the customs officer concernd is satisfied by report of the boarding officer, statement or certificate of the master, or otherwise that the tonnage mark was not submerged at the time of arrival.

* * * * *

(80 Stat. 379, sec. 3, 23 Stat. 119, as amended, 79 Stat. 891, R.S. 4219, as amended, 4225, as amended; 5 U.S.C. 301; 46 U.S.C. 3, 83–83k, 121, 128)

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

Approved: August 23, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–10558; Filed, Aug. 30, 1968; 8:48 a.m.]

[T.D. 68–217]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Requirements for Clearance

Section 4.61(b), Customs Regulations, requires the district director of customs to verify compliance with certain matters before vessel clearance is granted. Section 4.14(b) of the regulations requires that entry shall be made covering equipment, repair parts, or material acquired, or expense for repairs incurred in a foreign country. Furthermore, before a vessel may be allowed clearance, in most cases, estimated duties are required to be deposited or a bond is required to be given to cover the duties on these costs. It has been decided that the Customs Regulations should be amended to include a statement of this requirement among those which are applicable at the time of clearance.

Accordingly, § 4.61(b) is amended by adding a new item (21), reading as follows:

§ 4.61 Requirements for clearance.

* * * * *

(b) * * *

* * * * *

(21) Estimated duties deposited or a bond given to cover duties on foreign repairs and equipment for vessels of the United States (sec. 4.14).

* * * * *

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

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

Approved: August 23, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68–10559; Filed, Aug. 30, 1968; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

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

Confirmation of Effective Date of Order Exempting Wheat Flour From Certain Labeling Requirements

In the matter of exempting wheat flour from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10206). Accordingly, the amendment promulgated by that order will become effective September 15, 1968.

Dated: August 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–10569; Filed, Aug. 30, 1968; 8:49 a.m.]

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

Confirmation of Effective Date or Order Exempting Milk and Milk Products From Certain Labeling Requirements

In the matter of exempting milk and milk products from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 20, 1968 (33 F.R. 10391). Accordingly, the amendment promulgated by that order will become effective September 18, 1968.

Dated: August 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–10570; Filed, Aug. 30, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 8B2267, 8B2268) filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, and other relevant material, has concluded that the food additive regulations should be amended to provide for use of an additional substance, as set forth below, as a component of paper and paperboard in contact with dry food and as a component of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. In § 121.2520(c)(5) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

Components of Adhesives	
Substances	*Limitations*
* * *	* * *
α - [*p* - (1,1,3,3 - Tetramethylbutyl) phenyl] - *omega* - hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and their sodium, potassium, and ammonium salts having a poly (oxyethylene) content averaging 6–9 or 40 moles.	----------
* * *	* * *

2. In § 121.2571(b)(2) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
α - [*p* - (1,1,3,3 - Tetramethylbutyl) phenyl] - *omega* - hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and their sodium, potassium, and ammonium salts having a poly (oxyethylene) content averaging 6–9 or 40 moles.	----------
* * *	* * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 23, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10571; Filed, Aug. 30, 1968; 8:49 a.m.]

PART 121—FOOD ADDITIVES

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

OLEFIN POLYMERS

The Commission of Food and Drugs, having evaluated the data in a petition (FAP 7B2057) filed by Esso Research & Engineering Co., Post Office Box 111, Linden, N.J. 07036, and other relevant material, has concluded that the food additive regulations should be amended to provide for the additional safe use of (1) olefin copolymers and elastomers manufactured by copolymerization of ethylene and propylene and (2) olefin copolymers and elastomers manufactured by copolymerization of ethylene and propylene containing as modifiers one or more of the monomers 5-methylene-2-norbornene and 5-ethylidine-2-norbornene, when such olefin copolymers and elastomers are used as articles or components of articles intended for food-contact use.

It is also concluded that such olefin copolymers should not be regulated for use with certain antioxidants and/or stabilizers listed in § 121.2566.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in the following respects:

§ 121.2501 [Amended]

1. Section 12.2501 *Olefin polymers* is amended:

a. In paragraph (a)(3) by changing subdivision (ii) and by adding a new subdivision (iii), as follows:

(ii) 4-Methylpentene-1 and 1-alkenes having 6 to 10 carbon atoms. Such olefin basic copolymers shall contain not less than 95 molar percent of polymer units derived from 4-methylpentene-1; or

(iii) Ethylene and propylene that may contain as modifiers not more than 5 weight-percent of total polymer units derived by copolymerization with one or more of the following monomers:

5-Ethylidine-2-norbornene.
5-Methylene-2-norbornene.

b. In paragraph (c) by adding to the table a new item 3.4, as follows:

Olefin polymers	Density	Melting point (MP) or softening point (SP)	Maximum extractable fraction (expressed as percent by weight of polymer) in *n*-hexane at specified temperatures	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
* * *	* * *	* * *	* * *	* * *
3.4 Olefin copolymers, primarily noncrystalline, described in paragraph (a)(3)(iii) of this section provided that such olefin polymers have a minimum viscosity average molecular weight of 120,000 as determined by the method described in paragraph (d)(5) of this section and a minimum Mooney viscosity of 35 as determined by the method described in paragraph (d)(6) of this section, and further provided that such olefin copolymers contact food only of the types identified in § 121.2526(c), table 1, under types I, II, III, IV-B, VI, VII, VIII, and IX.	0.85–0.90			
* * *	* * *	* * *	* * *	* * *

c. By adding to paragraph (d) new subparagraphs (5) and (6), as follows:

(5) *Viscosity average molecular weight—olefin copolymers described in paragraph (a)(3)(iii) of this section.* The viscosity average molecular weight shall be determined from the kinematic viscosity (ASTM Method D 445) of a solution of the copolymer in decahydronaphthalene.

(6) *Mooney viscosity—olefin copolymers described in paragraph (a)(3)(iii) of this section.* Mooney viscosity is determined by ASTM Method D-1646-63, using the large rotor at a temperature of 212° F., for the olefin copolymers described in paragraph (a)(3)(iii) of this section containing only polymer units derived from ethylene and propylene and at 260° F. for all other olefin copolymers described in paragraph (a)(3)(iii) of this section. The apparatus containing the sample is warmed for 1 minute, run for 8 minutes, and viscosity measurements are then made.

2. Section 121.2550(b)(5) is amended by alphabetically inserting a new item in table 1, as follows:

§ 121.2550 **Closures with sealing gaskets for food containers.**

* * * * * *

(b) * * *

(5) * * *

TABLE 1

List of substances	*Limitations (expressed as percent by weight of closure-sealing gasket composition)*
* * *	* * *
Ethylene-propylene modified copolymer elastomers produced when ethylene and propylene are copolymerized with 5-methylene-2-norbornene and/or 5-ethylidine-2-norbornene. The finished copolymer elastomers so produced shall contain not more than 5 weight-percent of total polymer units derived from 5-methylene-2-norbornene and/or 5-ethylidine-2-norbornene, and shall have a minimum viscosity average molecular weight of 120,000 as determined by the method described in § 121.2501(d)(5), and a minimum Mooney viscosity of 35 as determined by the method described in § 121.2501(d)(6).	
* * *	* * *

3. Section 121.2562(c)(4)(i) is amended by alphabetically inserting a new item in the list of elastomers, as follows:

§ 121.2562 Rubber articles intended for repeated use.

* * * * *

(c) * * *

(4) * * *

(i) * * *

Ethylene-propylene copolymer elastomers which may contain not more than 5 weight-percent of total polymer units derived from 5-methylene-2-norbornene and/or 5-ethylidine-2-norbornene.	

* * * * *

(b) * * *

4. Section 121.2566(b) is amended in the list of substances by changing the limitations for the following items:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * * * *

	Limitations
* * *	
2,6-Bis(1-methylheptadecyl)-*p*-cresol.	For use only at levels not to exceed 0.3 percent by weight of polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4: *Provided,* That the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, and VIII.
Butylated, styrenated cresols * * *	For use only: 1. As provided in §§ 121.2520 and 121.2562. 2. At levels not to exceed 0.5 percent by weight of polystyrene, rubber-modified polystyrene, or olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 or complying with other sections in this Subpart F used in articles that contact food only under the conditions described in § 121.2526(c), table 2, under conditions of use C through G.
* * *	* * *
4,4'-Cyclohexylidene-bis(2-cyclohexylphenol).	For use only at levels not to exceed 0.1 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4: *Provided,* That the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV–B, VI, VII–B, and VIII.
* * *	* * *
	Limitations
2-Hydroxy-4-*n*-octoxybenzophenone.	For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4: *Provided,* That the finished polymer contacts food only of the types identified in § 121.2526(c), table 1, under categories I, IV–B, VII–B, and VIII, and under the conditions of use B through H described in table 2 of § 121.2526(c).
* * *	* * *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate.	For use only at levels not to exceed 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 and used for packaging food of the types identified in § 121.2526(c), table 1, under types I, II, IV–B, VI, VII–B, and VIII.
* * *	* * *
Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane.	For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4.
* * *	* * *
Tris(2-methyl-4-hydroxy-5-*tert*-butylphenyl) butane.	For use only: 1. At levels not to exceed 0.25 percent by weight of polymers used as provided in § 121.2571. 2. At levels not to exceed 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 or complying with other sections in this Subpart F and/or vinyl chloride polymers used in articles that contact food of the types identified in § 121.2526(c), table 1, under types I, II, IV–B, VI–B, VII–B, and VIII. 3. At levels not to exceed 0.1 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4 or complying with other sections in this Subpart F and/or vinyl chloride polymers used in articles that contact food of the types identified in § 121.2526(c), table 1, under types III, IV–A, V, VI–A, VI–C, VII–A, and IX.
* * *	* * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 21, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-10502; Filed, Aug. 30, 1968; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS

Revised Form Regarding New-Drug Applications for Medicated Feeds

A revised form (FD 1800—6/68) for submitting new-drug applications for medicated feeds has been developed to assure submission of all necessary information by the applicant and to provide for more expeditious review thereof by the Bureau of Veterinary Medicine. The new drug and antibiotic drug regulations are amended as follows to provide for use of the new form.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 701(a), 52 Stat. 1052–53, as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 355, 357, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 130, 144, and 146 are amended as follows:

1. Section 130.4 is amended by revising the introduction of paragraph (c) and by adding to that paragraph a new subparagraph (3), as follows:

§ 130.4 Applications.

* * * * *

(c) Applications for drugs for human use shall be assembled and submitted in

the manner prescribed by paragraph (e) of this section. Applications for human and veterinary drugs shall be submitted in one of the following appropriate forms as indicated in the title thereof, except that applications for medicated feeds relying for evidence of safety and effectiveness on information submitted by the supplier of the drug or drugs employed must be submitted in the form specified in subparagraph (3) of this paragraph.

* * * * *

(3) For medicated feeds use Form FD-1800—Revised, obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204. NOTE: This application must be signed by the applicant or an authorized attorney, agent, or official.

2. In § 144.26(b), subparagraphs (18) (i), (19) (i), (21) (i), (22) (i), (26) (i), (32) (i), (35), (36), (37), (38), (39), (42), (44), (45), (49), (50), (52), (54), (56), (58), (59), (60), and (61) are revised to read as follows:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(18) (i) It is intended for use solely in the prevention of outbreaks of coccidiosis in poultry flocks, and it contains nicarbazin (4,4'-dinitrocarbanilide complex with 2-hydroxy-4,6-dimethylpyrimidine) in a quantity, by weight of feed, of not less than 0.01 percent and not more than 0.02 percent, or arsenosobenzene in a quantity, by weight of feed, of 0.002 percent, or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c) (3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug, unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(19) (i) It is intended for use solely in the prevention or control of outbreaks of histomoniasis (blackhead) in turkey flocks, and it contains 2-acetylamino-5-nitrothiazole in a quantity, by weight of feed, of 0.015 percent if intended for the prevention of the disease, or 0.05 percent if intended for the control of the disease, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c) (3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(21) (i) It is intended for promoting distribution of fat in chickens and turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 48 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains dienestrol diacetate in a quantity, by weight of feed, of not less than 0.0023 percent and not more than 0.007 percent; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c) (3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(22) (i) It is intended for use solely in the control of outbreaks of coccidiosis in poultry flocks and it contains in a quantity, by weight of feed, not less than 0.003 percent and not more than 0.006 percent of 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine and not less than 0.01 percent and not more than 0.02 percent of sulfaquinoxaline, and there has been submitted to the Commissioner, in triplicate, the information required for Form FD-1800—Revised under § 130.4(c) (3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(26) (i) It is intended for use solely for accelerating weight gains in beef cattle, and it contains a quantity of diethylstilbestrol adequate to provide not more than 10 milligrams per head per day when fed in accordance with the directions for use that accompany the feed, and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c) (3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(32) (i) It is intended for use as an aid in the control of infestation of large roundworms (*Ascaris suis*), nodular worm (*Oesophagostemum dentatum*), and whipworm (*Trichuris suis*) in swine; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated swine are slaughtered for human consumption. If it is a complete feed it contains 6,000 units (6 milligrams) of hygromycin B (produced by the growth of *Streptomyces hygroscopicus*) per pound, or if it is a hygromycin B feed supplement or premix it contains not more than 8,000,000 units (8 grams) of hygromycin B per pound. It contains less than 50 grams of antibiotics per ton of finished feed. If it is a hygromycin B feed supplement or premix and it contains more than 8,000,000 units of hygromycin B per pound, it shall be exempt from certification only if there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c) (3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated swine are slaughtered for human consumption.

* * * * *

(35) It is a medicated chicken feed containing antibiotics, sulfanitran (acetyl-(*p*-nitrophenyl)-sulfanilamide), and 3,5-dinitrobenzamide, with or without 3-nitro-4-hydroxyphenylarsonic acid in the amounts and for the purposes indicated in § 121.264 of this chapter; or containing antibiotics, sulfanitran (acetyl-(*p*-nitrophenyl)-sulfanilamide), and aklomide (2-chloro-4-nitrobenzamide), in the amounts and for the purposes indicated in §§ 121.264 and 121.269 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c) (3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(36) It is intended for use solely as an aid in stimulating growth in chickens and turkeys and as an aid in the prevention of outbreaks of histomoniasis (blackhead) in chickens and turkeys and hexamitiasis in turkeys; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 24 hours before the treated chickens or turkeys are slaughtered for human consumption; and it contains nithiazide (1-ethyl-3-(5-nitro-2-thiazolyl) urea) in a quantity, by weight of feed, of not less than 0.0125 percent and not more than 0.04 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (instead of 24 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

(37) It is intended for use solely in the prevention of outbreaks of coccidiosis and as an aid in stimulating growth in chicken flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 4 days before the treated chickens are slaughtered for human consumption; and it contains glycarbylamide (4,5-imidazole-dicarboxamide) in a quantity, by weight of feed, of not less than 0.002 percent and not more than 0.006 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but one one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in such paragraph, its labeling shall bear a warning that it must be discontinued 5 days (in lieu of 4 days as required in this subparagraph) before the treated chickens are slaughtered for human consumption.

(38) It is intended for use solely for accelerating weight gains in sheep; its labeling bears adequate directions and warnings for such use, including a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; it contains a quantity of diethylstilbestrol adequate to provide not more than 2 milligrams per head per day when fed in accordance with the directions for use that accompany the feed; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(39) It is intended for use solely as an aid in the prevention or treatment of fowl typhoid, paratyphoid, and pullorum disease and as an aid in stimulating growth in poultry flocks; its labeling bears adequate directions and warnings for such use, including a warning against its use in laying hens and a warning that its use must be discontinued 48 hours before the treated animals are slaughtered for human consumption; and it contains 3,5-dinitrobenzamide in a quantity, by weight of feed, of not less than 0.075 percent and not more than 0.15 percent; it contains less than 50 grams of antibiotics per ton of feed; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. When intended for the uses specified in this subparagraph, it may also contain, in the amount specified, one, but only one, of the ingredients prescribed by paragraph (a) of this section. If it contains one of the arsenic compounds prescribed in paragraph (a) of this section, its labeling must bear a warning that it must be discontinued 5 days (in lieu of 48 hours as required in this subparagraph) before the treated chickens or turkeys are slaughtered for human consumption.

* * * * *

(42) It is a medicated chicken, turkey, and swine feed containing certifiable antibiotics and nystatin in the amounts and for the purposes indicated in § 121.220 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(44) It is a medicated chicken or turkey feed containing antibiotics and amprolium, with or without arsanilic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter, and its labeling bears adequate directions and warnings for such use: *Provided, however,* That such medicated complete feed has been prepared from a concentrated amprolium-antibiotic medicated feed that contained not more than 0.05 percent amprolium. If the complete medicated feed is prepared from a product of amprolium that contains more than 0.05 percent of the drug, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. Both concentrates and complete poultry feed containing amprolium must comply with all the requirements of § 121.210 of this chapter, including labeling.

(45) It is a medicated chicken or turkey feed containing antibiotics and zoalene, with or without arsanilic acid, or 3-nitro-4-hydroxyphenylarsonic acid, in the amounts and for the purposes indicated in § 121.207 of this chapter; *Provided, however,* That such medicated complete feed has been prepared from a concentrated zoalene-antibiotic medicated feed that contained not more than 0.0375 percent zoalene. If the complete medicated feed is prepared from a product of zoalene that contains more than 0.0375 percent zoalene, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in

conformance with other provisions of § 130.9 of this chapter. Both concentrates and complete poultry feed containing zoalene must comply with all the requirements of § 121.207 of this chapter, including labeling.

* * * * *

(49) It is a medicated chicken or turkey feed containing antibiotics and reserpine in the amounts and for the purposes indicated in § 121.205 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(50) It is a medicated chicken feed containing antibiotics and hygromycin B in the amounts and for the purposes indicated in § 121.213 of this chapter, and its labeling bears adequate directions and warnings for such use: *Provided, however,* That such medicated complete feed has been prepared from a feed additive concentrate that contains not more than 32 grams of hygromycin B per ton. If the medicated feed is prepared from a feed additive concentrate containing more than 32 grams of hygromycin B per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approval supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(52) It is a cattle feed containing zinc bacitracin, with or without diethylstilbestrol, in the amounts and for the purposes indicated in § 121.225 or § 121.241 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That if such feed contains diethylstilbestrol it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(54) It is a medicated feed for growing broiler and replacement chickens; it contains amprolium, ethopabate (methyl-4-acetamido-2-ethoxy benzoate), and antibiotics, with or without arsanilic acid or 3-nitro-4-hydroxyphenylarsonic acid, in the amounts and for the purposes indicated in § 121.210 of this chapter; and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 0.05 percent amprolium and not more than 0.0016 percent ethopabate. If the medicated feed is prepared from a product that contains more than 0.05 percent amprolium and more than 0.0016 percent ethopabate, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter. Both concentrates and finished poultry feed containing amprolium and ethopabate must comply with all the requirements of § 121.210 of this chapter, including labeling.

* * * * *

(56) It is a medicated feed for chickens containing a combination of procaine penicillin and tylosin phosphate in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 200 grams of tylosin phosphate per ton. If the medicated feed is prepared from a concentrated medicated feed containing more than 200 grams of tylosin phosphate per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

* * * * *

(58) It is a medicated feed for swine containing a combination of streptomycin and tylosin phosphate in the amounts and for the purposes indicated in § 121.217 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a feed additive premix or feed additive concentrate that contains streptomycin and not more than 500 grams of tylosin phosphate per ton. If the medicated feed is prepared from a feed additive premix or feed additive concentrate containing streptomycin and more than 500 grams of tylosin phosphate per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(59) It is a medicated feed for chickens containing penicillin, tylosin phosphate, and either amprolium, or zoalene, or hygromycin B, or hygromycin B and zoalene, or hygromycin B and amprolium in the amounts and for the purposes indicated in § 121.207, § 121.210, or § 121.213 of this chapter, and its labeling bears adequate directions and warnings for such use: *Provided, however,* That such medicated complete feed has been prepared from a concentrated penicillin-tylosin phosphate-amprolium, or penicillin-tylosin phosphate-zoalene, or penicillin-tylosin phosphate-hygromycin B or penicillin-tylosin phosphate-zoalene-hygromycin B, or penicillin-tylosin phosphate-hygromycin B-amprolium medicated feed containing per ton of feed, not more than 200 grams of tylosin and either not more than 0.05 percent amprolium or not more than 0.0375 percent zoalene, or not more than 32 grams per ton of hygromycin B, or not more than 0.0375 percent zoalene and not more than 32 grams per ton of hygromycin B, or not more than 0.05 percent amprolium and not more than 32 grams per ton of hygromycin B. If the medicated feed is prepared from a product that contains more than any of the specified quantities, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD–1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides

for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(60) It is a medicated chicken feed containing antibiotics and nihydrazone in the amounts and for the purposes indicated in § 121.237 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

(61) It is a medicated chicken feed containing antibiotics and buquinolate in the amounts and for the purposes indicated in § 121.291 of this chapter; its labeling bears adequate directions and warnings for such use; and there has been submitted to the Commissioner, in triplicate, adequate information of the kind required for Form FD-1800—Revised under § 130.4(c)(3) of this chapter and such application has been approved by the Food and Drug Administration. The exemption shall expire at the beginning of any act changing the labeling or potency of such drug unless an approved supplement to the application provides for the change or the change is made in conformance with other provisions of § 130.9 of this chapter.

3. Section 146.13 is amended by revising the Form 10 item to read as follows:

§ 146.13 Forms for certification or exemption of antibiotic drugs.

* * * * *

Form

* * * * *

10 Application for exemption for antibiotics mixed in animal feeds (Form FD-1800—Revised must be used when applications for medicated feeds rely for evidence of safety and effectiveness on information submitted by the supplier of the drug or drugs employed).

This order provides for the use of a revised form to facilitate more expeditious submission and review of medicated feed new-drug applications and is nonrestrictive and noncontroversial in nature; therefore, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Secs. 505, 507, 701(a), 52 Stat. 1052-53 as amended, 1055, 59 Stat. 463, as amended; 21 U.S.C. 355, 357, 371(a))

Dated: August 27, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-10572; Filed, Aug. 30, 1968; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter IV—Federal National Mortgage Association, Department of Housing and Urban Development

REVOCATION OF CHAPTER

Chapter IV in Subtitle B of Title 24 is revoked. This revocation shall be effective September 1, 1968.

(Sec. 309, 68 Stat. 620; 12 U.S.C. 1723a)

Issued at Washington, D.C., August 26, 1968.

FEDERAL NATIONAL MORTGAGE ASSOCIATION,
RAYMOND H. LAPIN,
President.

[F.R. Doc. 68-10529; Filed, Aug. 30, 1968; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER F—TRANSPORTATION

PART 177—EMERGENCY REQUIREMENTS, ALLOCATIONS, PRIORITIES AND PERMITS FOR DOD USE OF DOMESTIC CIVIL TRANSPORTATION

The Deputy Secretary of Defense approved the following:

Sec.
177.1 Purpose.
177.2 Applicability and scope.
177.3 Concept.
177.4 Policy.
177.5 Responsibilities.
177.6 Effective date.
177.7 Implementation.

AUTHORITY: The provisions of this Part are issued under 5 U.S.C. 301.

§ 177.1 Purpose.

This part establishes Department of Defense policy and guidance concerning emergency requirements, allocations, priorities, and permits governing DoD use of civil transportation within the Continental United States (CONUS) except for that (a) provided by the Civil Reserve Air Fleet (CRAF), (b) involving the Office of Civil Defense, or (c) for civil works projects performed by the Corps of Engineers.

§ 177.2 Applicability and scope.

The provisions of this part apply to all DoD components and cover peacetime emergency planning as well as transportation operations during periods of national emergency.

§ 177.3 Concept.

The Department of Transportation provides national emergency civil transportation policies, plans, and procedures. The Department of Defense receives emergency guidance on the use of civil transportation from (a) the Secretary of Transportation in time of national control and (b) the Department of Transportation (Office of Emergency Transportation) Regional Offices in case of regional isolation.

§ 177.4 Policy.

(a) DoD transportation plans and operations for national emergencies will conform to national policies and guidance. They will be carried out by DoD organizational elements existing at the time of an emergency rather than by a new organizational structure created specifically for that purpose.

(b) DoD policy control of transportation and traffic management will remain at the national level (see § 177.5(a)) unless conditions of isolation require independent regional action. In the latter case regional authorities will assume the responsibility detailed in § 177.5(b), and will act in conformance with approved plans (see § 177.7) implementing this part.

§ 177.5 Responsibilities.

(a) *National control*—(1) The Assistant Secretary of Defense (Installations and Logistics) will:

(i) Establish in coordination with the Assistant Secretary of Defense (Systems Analysis) relative urgencies within the DoD in conformance with national program priorities, coordinating with the Joint Chiefs of Staff (JCS) with respect to military requirements.

(ii) Analyze and approve DoD short-term requirements for civil transportation received from the JCS. He will coordinate with the ASD(SA) on any such requirements which affect DoD strategic mobility requirements and capabilities.

(iii) Forward all DoD requirements for civil transportation to and receive capability allocations from the Department of Transportation.

(iv) Forward allocations for both short-term and long-term use of civil transportation to the JCS with appropriate comments concerning policy and procurement. A copy of such allocations will be forwarded to the ASD(SA).

(2) The Assistant Secretary of Defense (Systems Analysis) will:

(i) Analyze and approve DoD long-term requirements for civil transportation and present them to the ASD(I&L) for forwarding to the Department of Transportation.

(ii) Work closely with the Department of Transportation, the ASD(I&L), the JCS, and the Military Departments in determining data requirements and developing methods of analysis to accurately determine overall DoD long-term commercial transportation requirements.

(3) The Joint Chiefs of Staff will call for and review DoD transportation requirements (as submitted by the DoD components and consolidated and evaluated from the standpoint of traffic management by the Military Traffic Management and Terminal Service (MTMTS) and forward them with appropriate recommendation to the ASD (I&L) or the ASD(SA) as appropriate. Upon receipt of allocations from the ASD(I&L), the JCS will determine the

relative urgency of the requirements submitted by the DoD claimants and suballocate among them in accordance with such determinations.

(4) The Military Departments and other DoD components will:

(i) Develop and submit to MTMTS their requirements for all CONUS movements to be accomplished by civil transportation resources.

(ii) Prescribe their priorities of movement within guidance provided by the ASD(I&L) in coordination with the JCS.

(5) The Military Traffic Management and Terminal Service will:

(i) In accordance with its charter contained in DoD Directive 5160.53 (32 F.R. 6295) manage the movement of persons and things consistent with established national and DoD component movement priorities.

(ii) Consolidate, collate, and evaluate submitted requirements from a traffic management standpoint and submit the consolidated transportation requirements with analyses indicating shortages of capability and recommended courses of action to the JCS. After suballocation to the DoD components by the JCS, MTMTS will manage the movement of the traffic in conformance with established movement priorities in coordination with the DoD components.

(iii) Administer permits when required for the movement of persons and things, in accordance with national policies and guidance.

(b) *Regional isolation.* In the event of regional isolation during a national emergency:

(1) Regional Representatives of DoD components will develop and submit their transportation requirements to the MTMTS area commander, with information as to the relative urgency of movement.

(2) The Military Traffic Management and Terminal Service area commanders will:

(i) Consolidate, collate, and evaluate submitted requirements from a traffic management standpoint and submit such requirements, with a request for allocation, to the Department of Transportation (OET Regional Office).

(ii) Manage the movement of persons and things in accordance with established allocations and DoD component movement priorities.

(iii) Inform the Army area commander of any deficit in allocations to meet requirements.

(3) The Army Area Commander, as principal DoD representative to the Office of Emergency Planning Regional Preparedness Committee, will establish relative priorities of movement and resolve matters of major policy impact, as required.

§ 177.6 Effective date.

This part is effective immediately for planning purposes. Actual operations under its provisions will be effected in the event of an emergency.

§ 177.7 Implementation.

Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) for approval within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 68-10521; Filed, Aug. 30, 1968; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.115, that portion preceding paragraph (a) is amended to read as follows:

§ 17.115 Prosthetic and similar appliances.

Artificial limbs, braces, orthopedic shoes, hearing aids, wheelchairs, medical accessories, similar appliances including invalid lifts and therapeutic and rehabilitative devices, and special clothing made necessary by the wearing of such appliances, may be purchased, made or repaired for any veteran upon a determination of feasibility and medical need, provided:

* * * * *

2. Sections 17.115b and 17.115c are revised to read as follows:

§ 17.115b Invalid lifts for recipients of aid and attendance allowance or special monthly compensation.

When any requirement for an invalid lift cannot be met as part of, and in the course of, Veterans Administration treatment or care, as provided for in § 17.115, the invalid lift may be furnished if:

(a) The applicant is a veteran who is receiving (1) special monthly compensation (including special monthly compensation based on the need for aid and attendance) under the provisions of 38 U.S.C. 314(1)-(p), or (2) comparable compensation benefits at the rates prescribed under 38 U.S.C. 334, or (3) increased pension based on the need for aid and attendance or a greater compensation benefit rather than aid and attendance pension to which he has been adjudicated to be presently eligible; and

(b) The veteran has loss, or loss of use, of both lower extremities and at least one upper extremity (loss of use may result from paralysis or other impairment to muscle power and includes all cases in which the veteran cannot use his extremities or is medically prohibited from doing so because of a serious disease or disability); and

(c) The veteran has been medically determined incapable of moving himself from his bed to a wheelchair, or from his wheelchair to his bed, without the aid of an attendant, because of the disability involving the use of his extremities; and

(d) An invalid lift would be a feasible means by which the veteran could accomplish the necessary maneuvers between bed and wheelchair, and is medically determined necessary.

§ 17.115c Therapeutic and rehabilitative devices for recipients of aid and attendance allowance or special monthly compensation.

When any requirement for therapeutic and rehabilitative devices, including medical equipment and supplies, cannot be met as part of, and in the course of, Veterans Administration hospital treatment or care, as provided for in § 17.115, the needed items (excluding medicines) may be furnished, if:

(a) The applicant is a veteran who is receiving special monthly compensation (including special monthly compensation based on the need for aid and attendance) under the provisions of 38 U.S.C. 314(1)-(p), or (2) comparable compensation benefits at the rates prescribed under 38 U.S.C. 334, or (3) increased pension based on the need for aid and attendance or a greater compensation benefit rather than aid and attendance pension to which he has been adjudicated to be presently eligible, and

(b) Any device, equipment, or item supplied is medically determined necessary and is of a type or category of devices or supplies determined to be available under this section.

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

These VA regulations are effective August 19, 1968.

Approved: August 27, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-10557; Filed, Aug. 30, 1968; 8:48 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C. Chapter 31

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

MISCELLANEOUS AMENDMENTS

1. In § 21.20, paragraph (b) is amended to read as follows:

§ 21.20 Vocational rehabilitation.

* * * * *

(b) *Four-year limitation.* No full-time course of vocational rehabilitation may exceed 4 years unless it is determined that a longer period is required under the circumstances outlined in § 21.206. For a veteran in part-time institutional

training, references to the 4-year limitation contained in this subpart will mean the equivalent in part-time training of 48 months in full-time training. (38 U.S.C. 1502(b))

* * * * *

2. In § 21.132, paragraph (1) is added to read as follows:

§ 21.132 Reduction or discontinuance.

* * * * *

(1) *Reduction in rate of pursuit of course.* End of month in which reduction occurred.

3. Section 21.133 is revised to read as follows:

§ 21.133 Rates.

Type of training	Monthly rate of subsistence allowance			
	No dependent	One dependent	Two dependents	For each additional dependent [1]
Institutional:				
Full time	$110.00	$150.00	$175.00	$5.00
¾ time [2]	80.00	110.00	130.00	None
½ time [2]	55.00	75.00	85.00	None
Institutional on-farm (IOF) apprentice or other on-job (OJT) [2] (full time only)	95.00	125.00	150.00	5.00
Combination (Institutional and OJT) (full time only):				
Institutional ½ time or more	110.00	150.00	175.00	5.00
Institutiona less than ½ time	95.00	125.00	150.00	5.00
Cooperative (full time only):				
Institutional full time	110.00	150.00	175.00	5.00
Business/industry full time	95.00	125.00	150.00	5.00

[1] $5.00 will be added for each dependent over 2, except for the veteran with a disability rating of 50 percent or more.
[2] For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective.
[3] Effective July 26, 1968 (Public Law 90-431, 82 Stat. 447).

NOTE: The rate of subsistence allowance for any veteran who was pursuing a course of vocational rehabilitation on Aug. 26, 1965, shall not be reduced solely by reason of the enactment of Public Law 89-137, 79 Stat. 576. Protection does not apply to payments commencing after Aug. 26, 1965. (Sec. 1(c), Public Law 89-137.)

4. Section 21.134 is revised to read as follows:

§ 21.134 Postrehabilitation pay.

Upon being rehabilitated, except under conditions stated in § 21.281 (b) and (c), a lump-sum payment of 2 months' postrehabilitation pay will be authorized as follows, based upon the rate of subsistence allowance the veteran was entitled to at the time his employability is determined:

(a) *Institutional full-time.* The lump-sum payment will be twice the full-time monthly rate, including any additional amounts for dependents. For cooperative training, the postrehabilitation pay will be computed at the institutional rate.

(b) *Institutional part-time.* The lump-sum payment will be twice the three-quarter or half-time monthly rate, whichever is applicable.

(c) *Institutional on-farm, apprentice, or other on-job.* The lump-sum payment will be twice the full-time monthly rate authorized for this kind of training, including any additional amounts for dependents. The full-time rate will be the basis for payment without regard to the fact that the veteran may have been authorized less than the maximum subsistence allowance payable because of wages earned while pursuing on-the-job training.

(d) *Subsequent payments.* Where, following a determination of employability and payment of the 2 months' postrehabilitation pay, a veteran is reinducted for additional training, payment of the 2 months' postrehabilitation pay will again be authorized upon a subsequent determination of employability.

5. In § 21.201, paragraph (e) and those portions of paragraphs (g), (h), and (i) preceding subparagraph (1) are amended to read as follows:

§ 21.201 Types of courses.

* * * * *

(e) *Sheltered workshop course.* A full-time course of training on the job or combination of training on the job and supplemental related instruction. The disabled veteran is provided vocational training in a specific employment objective in a place where he is relatively sheltered from competition with the able bodied. He is not required to meet production standards which in ordinary on-the-job training situations would interfere with the restoration of employability. The course is provided through a charitable, religious, educational, governmental, or philanthropic organization which is not operated for profit but primarily to provide vocational training, rehabilitation, and employment to the physically and mentally handicapped. A sheltered workshop course is a vocational course of training. It will be strictly differentiated from a course of specialized restorative training offered in a workshop for the purpose of work adjustment or personal adjustment. A sheltered workshop course will be prescribed only in those cases in which the veteran's employability cannot be restored through pursuit of the usual course of vocational training in a school or in a training on-the-job establishment. Training under sheltered workshop conditions should give good promise of needed results not otherwise obtainable in the particular case.

* * * * *

(g) *Training in the home.* A full-time course which a veteran pursues in his home with an individual instructor or instructors when:

* * * * *

(h) *Independent instructor course.* A full-time course which is pursued with an individual instructor, who, independently of a training institution or a training on-the-job establishment, furnishes and conducts the course at a suitable place of training.

* * * * *

(i) *Institutional on-farm course.* A full-time course designed to restore employability by training a veteran to operate a farm over which he has control or to manage a farm as the employee of another. Such course shall be carefully planned and developed by the Veterans Administration in collaboration with the instructor to suit the needs of the individual veteran. Full consideration should be given to the size and character of the farm on which the veteran is to receive the on-farm part of his course. He must become proficient in the type of farming for which he is training—in planning, producing, marketing, farm mechanics, conservation of farm resources, conservation of food, farm financing, farm management, and the keeping of farm and home accounts. Instruction will satisfy the requirements of subparagraph (1) or (2) of this paragraph.

* * * * *

6. In § 21.202, paragraph (a) is amended to read as follows:

§ 21.202 Full-time vocational rehabilitation training.

(a) Full-time vocational rehabilitation training for disabled veterans having a normal work tolerance will be:

(1) Instituticnal-assessed in accordance with §§ 21.4270 through 21.4275 unless training is being pursued in a special school, such as those for persons having speech or hearing defects, and it is the established policy of the school to consider enrollment for fewer semester, credit or clock hours as full-time enrollment.

(2) On-the-job—assessed on the basis of the number of hours in the prevailing workweek for the locality and in the occupation for which the veteran is training.

(3) Institutional on-farm—assessed in accordance with § 21.201(i).

* * * * *

7. In § 21.203, paragraph (c) is added to read as follows:

§ 21.203 Less than full-time vocational rehabilitation training.

* * * * *

(c) Institutional training which does not meet the requirements of § 21.202 as full-time training may be authorized on a three-quarter or one-half time basis. Training on a three-quarter or one-half time basis will be measured and assessed in accordance with §§ 21.4270 through 21.4275. (38 U.S.C. 1504, as amended by Public Law 90-431, 82 Stat. 447)

8. In § 21.209(a), subparagraph (5) is amended to read as follows:

§ 21.209 Status "training declined."

(a) * * *

(5) He commences or continues to pursue education or training under Chapter 34 or 35.

* * * * *

9. In § 21.212, paragraph (b) is amended to read as follows:

§ 21.212 Preparation and content.

* * * * *

(b) For professional objectives other than physician, physician, osteopathic, and dentist, successful completion of the professional curriculum at an approved professional school ordinarily qualifies an individual to practice the profession for which the school has trained him, subject, in some instances, to State licensure requirements. Accordingly, the professions physician, physician, osteopathic, and dentist, are the only ones where internship may be included in the training program. Where the graduate of a professional school is required to have experience in the practice of his profession as a prerequisite to licensure, as, for example, in pharmacy, the period is sometimes referred to as an internship or an apprenticeship, but actually the situation is one of employment, and may not be included in the veteran's training program.

10. In § 21.4022, paragraph (d) is added to read as follows:

§ 21.4022 Nonduplication; 38 U.S.C. chapters 31, 34, and 35.

* * * * *

(d) *Reelection, Public Law 90–431, 82 Stat. 447.* An election of chapter 34 or 35 benefits prior to July 26, 1968 to pursue a part-time course will not bar a subsequent election of chapter 31 benefits.

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

These VA regulations are effective July 26, 1968.

Approved: August 27, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68–10568; Filed, Aug. 30, 1968; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68–859; Docket No. 18023]

PART 73—RADIO BROADCAST SERVICES

Presunrise Service Authority; First Report and Order

In the matter of amendment of § 73.99 of the Commission's rules (Presunrise Service Authority) to specify 6 a.m. "local time." By the Commission: Commissioner Cox concurring as to the change to local time but abstaining from voting on the balance of the matters covered; Commissioner Wadsworth absent; Commissioner Johnson concurring in the result.

1. The proceeding concerns amendment of § 73.99, the "presunrise" rule, to specify "6 a.m. local time" instead of "6 a.m. local standard time" as the starting time for presunrise operations conducted under Presunrise Service Authority (PSA).[1] Canada has concurred in a corresponding change in the language of the Canada-United States presunrise agreement of 1967 (TIAS 6268). The change would reflect the fact that "advanced" or "daylight-saving" time has become almost universal in the conterminous United States following enactment of the Uniform Time Act of 1966, and therefore during the months from late April until late October 6 a.m. "standard time" (using that term in its traditional sense, as for our purposes it must be) means 7 a.m. "local time." Since stations can use their licensed daytime facilities after local sunrise, this is not a great problem in May, June and July, when sunrise is often 5 a.m. standard time or earlier; but it becomes a substantial problem in August and September and, for the great majority of daytime-only stations, it delays sign-on until 7 a.m. for most of October. We recognized this as a problem in the memorandum opinion and order issued on reconsideration in the presunrise proceeding last October (Docket 14419, FCC 67–1143; 10 F.C.C. 2d 283, 11 R.R. 2d 1571) and in the notice of proposed rule making herein we expressed the tentative view that an adjustment should be made, to provide a uniform 6 a.m. sign-on in terms of the time standard actually observed in the community.

2. As developed in the record herein, there are substantial differences between the circumstances pertaining to the regional and I–B channels, on the one hand, and the U.S. I–A channels on the other. The present document deals only with Class III stations on the regional channels and Class II stations on I–B channels. The decision with respect to Class II stations on U.S. I–A channels will be issued at a later date.

Comments concerning stations on the regional and I–B channels.[2]

3. *Supporting comments:* formal comments supporting the proposal were filed on behalf of 101 stations on these channels, including eight daytime-only Class II stations, 24 full-time regional stations, and 69 daytime-only regional stations.[3] Most of these are quite brief, and many stations filed in joint comments, so that the comments number about 35. There were no reply comments concerning these channels. These stations, along with other commenting parties, are listed in Appendix A hereto. Daytime Broadcasters Association (DBA) also filed a comment supporting the proposal.

4. Of the comments of the daytime-only stations, most endorsed our tentative view that a 6 a.m. "local time" sign-on should be adopted and sometimes noted with approval our statement in the Docket 14419 decision that a 7 a.m. "local time" sign-on, which nearly all daytimers would be limited to under the present rule in October, is simply not early enough in terms of the life of the community to meet the need for local informational service which the record in Docket 14419 established.[4] Numerous stations in these and other comments assert the need for and desirability of a uniform sign-on time, reasonably early in the day and geared to the life of the community, which—particularly after enactment of the Uniform Time Act of 1966—is generally based on daylight-saving or "advanced" time from late April until late October. It is asserted that the rule change is necessary to be consistent with the Uniform Time Act (which adopted daylight-saving time for other purposes) and to bring standard broadcasting into conformity with community life. The present rule, it is said, leads to an illogical situation, since people live by the clock, not the sun, in our increasingly urban society. Some stations urge that the change is necessary to correct what they regard as a somewhat anomalous development of recent years, i.e., while in Docket 14419 the Commission was trying to make provision for a reasonable amount of presunrise local broadcasting starting at 6 a.m., the Uniform Time Act was in effect negating that effort by making 6 a.m. "local time" the same as 5 a.m. "sun time" during half the year. It is also asserted that the change would only restore the possibility of having a desirably early and uniform sign-on time which most daytimers enjoyed under former section 73.87.

5. A number of stations point to the absence of any interference complaint against their earlier and more extensive presunrise operations as reason for the change. It is urged by some parties that,

[1] The term "presunrise operation" where used herein means use of daytime or critical-hours facilities before local sunrise. It does not refer to use of licensed nighttime facilities during these hours, or to sign-on at local sunrise when that is before 6 a.m.

[2] As to the I–B channels, the points advanced by the eight Class II stations filing are the same as those of regional daytime stations, without reference to any special aspect of the situation on these channels. The same is true of the comments of Association on Broadcasting Standards, Inc. (ABS), opposing the proposal, some of whose members are full-time Class II stations. CBS, expressing doubt as to the merit of the proposal, is the licensee of one I–B station; but its comments did not deal with problems on specific channels.

[3] There were also a number of letters and informal comments supporting the proposal. One Class IV station (La Grange, Ga.) urged that some relief be given to Class IV stations with respect to presunrise operation, stating that it is difficult for them to compete with daytime-only stations; and another (Auburn, N.Y.) expressed the view that the proposal is a further deviation from sound engineering standards designed to impose a reasonable limit on interference. This station is in the same community with a daytime-only station.

[4] 8 F.C.C. 2d 698, 715; 10 R.R. 2d 1580, 1605.

while the change would result in some additional interference to full-time service (as we recognized), the fulltimers affected have benefitted from the general reduction in interference resulting from the new restrictions contained in section 73.99 (presunrise operation limited to no more than 500 watts power and 6 a.m. and after, compared to full day facilities and as early as 4 a.m. under the former rule), and that the benefits from the additional service definitely outweigh any detriment from additional interference caused. Attention is called to the statement in the notice that the interference level resulting during the daylight saving months (when 6 a.m. local time would be 5 a.m. "sun time") would be less than that prevailing under the present rule in January; and it is asserted that if we (correctly) viewed the latter as being of less significance than the benefits accruing from presunrise service, we should certainly take the same view as to the daylight-saving portion of the year.

6. Many daytime stations urge the importance of the hours involved here in terms of informational service to their communities and areas, providing such material at a time when it is needed and when the audience is available to receive it (before school children leave for schools or buses, before farmers and factory workers leave for work, etc.). It is asserted by a number of stations that the audience at this time is larger than it is at other times of the day, and it would be a definite public disservice to deprive them of this valuable broadcasting. Audience reliance on this service is asserted by several stations. Among the types of material said to be important for presentation during these hours are farm information, weather, local and general news, information about school closings and changes in school bus schedules, road and traffic conditions, announcements of community activities, school lunch information, and similar material. Stations WAEW (Crossville, Tenn.) and WXXX (Hattiesburg, Miss.) attached supporting letters to their comments from civic, school and agricultural officials, urging the importance of service at 6 a.m. local time for some of these purposes.

7. Daytime stations pointing to the need for presentation of their farm programing at an early hour (it is stated that farmers are in the fields well before 7 a.m.) include KATR, KEST, KGRN, KXXX (in an earlier petition incorporated herein), WAEW, WALY, WBKN, WILE, WJOT, WMUU, WNCC, WOTT, WTCR, and WXXX. Specific points urged include: Importance of early weather and other information for the farming and timber industries (KATR, Eugene, Oreg.) and numerous fruit growers in the area (WCCW, Traverse City, Mich.); the importance of early farm information from the only AM stations in communities in agricultural areas (KGRN and WILE); value of market information at 6:25 a.m. so farmers can take their livestock to appropriate city markets (WAEW, Crossville, Tenn., indicated in a supporting letter); need for farm information to reach farmers listening between 5:30 and 6:30 (WXXX, in a supporting letter from the county agent); need to reach the farm audience with information before 7 a.m. since it must do its work on "sun time" (WJOT); the need for early a.m. service to bring part of a long-standing 5:30–6:30 farm program to those many rural listeners without FM sets (WGSA); need for pre-7 a.m. broadcasting to present Clemson University and southeastern market information to wide-area rural audiences, as well as country and western music (WGUS) or religious programing (WMUU); need to provide weather and farm information to the 60 percent of the 500,000 people served which is nonurban (WTCR, Ashland, Ky.); the undesirability of the present restriction in cases where stations are already hampered in reaching wide-area farm audiences by the new presunrise time and power restrictions (WOTT); and need to present early morning programing (all of the first half-hour of the day) of local and national agricultural information to the areas of substantial farm audience (KEST). The extensive showing of Station KXXX, Colby, Kans., in its filings in Docket 14419 has been discussed before and need not be further mentioned here (see report and order in Docket 14419 (Appendix A), and memorandum opinion and order in the same proceeding, 8 F.C.C. 2d 708, 713; 10 R.R. 2d 1595, 1602; 10 F.C.C. 2d 290–291, 11 R.R. 2d 1581–1582). A Class II station on a I–A channel (WRFD) asserts that early market reports are particularly important during August and September, the harvest months.

8. Several stations mention the need for presenting significant material to audiences before they leave for work. Station WHUT (Anderson, Ind.) mentions its long-standing "Factory Whistle" 6 to 7 a.m. program, designed to reach workers starting their shifts at 7. Similar claims are made by WGTA (Summerville, Ga.), WDYX (Buford, Ga., mentioning the fact that most of the work force there must leave for work in other places), WHIE (Griffin, Ga.), and WHIP (Mooresville, N.C.). The need for reaching workers with work schedule changes is mentioned. Stations WAEW and WXXX, in comments and supporting letters, mention the need to reach workers, public employees, etc., beginning work at 7; WTCR makes a similar claim. Stations WENN (Birmingham) and KCOH (Houston), which have long signed on well before 6 a.m. and feature Negro programing, assert the importance of providing significant material of various types to that segment of the population, which goes to work early; WTMP, Tampa, makes a similar claim.

9. Numerous stations mention the need for school closing and school bus cancellation announcements. Usually it does not appear how much of a problem this is during the months involved here (letters supporting WAEW's comments refer to the particular need in times of ice and snow); but WGTA refers to area schools starting in August, "producing daily bus route schedule changes." Transmissions necessitated by severe weather conditions may be undertaken irrespective of presunrise limitations provided the emergency operation complies with the provisions of section 73.98 of the rules. See in this connection the petition for reconsideration of Station KXXX and the previous discussion thereof (see paragraph 7).

10. Various stations assert other particular needs for early morning informational material. These include: Early weather and fishing information in recreational areas (WCCW and WDYX, the former pointing out that this is an important industry in Michigan with the trout season beginning at the end of April); the same with respect to commercial as well as recreational fishing, at the height of the season from August to October (KLEB, Golden Meadow, La.); information about windstorms, electrical storms and hurricanes (WGTA and Florida stations WCWR and WELE); the need to bring wire and network news to audiences when they are available, with less than half of the audience subscribing to daily newspapers (WTCR); the importance of the only AM station in a county as an informational medium (WLEM, Emporium, Pa., WDXE, Lawrenceburg, Tenn., and WTPR, Paris, Tenn.); early weather information for building contractors as well as farmers (KJEF, Jennings, La.); and the need to continue a 6–6:30 Portugese-language program unique in the area, said not to be suitable for effective presentation on FM (KGEN, Tulare, Calif.).

11. A number of daytime stations refer to the economic effect of being confined to a 6 a.m. "standard time" sign-on. Stations KATR, KEST, KGEN, and WENN (and to a lesser extent others) emphasize the extent to which their operations have already been curtailed under the new presunrise rule (all previously began operating at 5 or 5:30 a.m. with full daytime facilities) and assert the loss of revenue involved; KGEN, which has a companion FM station, asserts that it has been able to absorb some of the billing losses on FM, but that there are practical limits on the extent to which FM can perform this function. WENN asserts that its previously high ratings have already declined. KATR, KEST, KBER (San Antonio), and WOTT (Watertown, N.Y.) assert the need for the additional time to help them compete with full-time stations in their communities (WOTT calls attention to the fact that its competitor is both full-time and newspaper-owned). KBER, KGRN, WBRJ (Marietta, Ohio), WILE, and WOTT assert that a uniform sign-on time is necessary to build up consistent listening to agricultural and other public-service programing. WOTT, KBER, and WBRJ assert the need for reaching the "commuter audience" during "drive-time" which would be adversely affected if a 7 a.m. sign-on is required. Three of these stations, which feature country-and-western formats, assert that they appeal to an adult audience, of which the "commuter audience" is an important segment. WBRJ (which did not operate presunrise until the Docket 14419 decision because it was conditioned

against it) asserts the importance of a uniform sign-on time in attracting clock-radio listeners.

12. As described by WENN and some other stations (including KATR, WJOT, WMUU, WTMP, and WAVO, Decatur, Ga.) the limitation to a sign-on later than 6 a.m. local time will have various adverse effects from the station's standpoint. The time involved is said to be very valuable, and its loss represents loss of needed revenue. Some advertisers buy time during these periods or not at all, and will be lost to the station (WAVO asserts that it would lose a long-standing 6:45 a.m. sponsor). Others will continue, but their commercial material will have to be run during other times of the day, resulting in an undesirable spacing of commercials during such other times or turning into commercial time periods which are now devoted to nonrevenue public service activities. It is said that the loss of revenue involved will, or at least might, affect the station's ability to present desirable public-service material. KGEN asserts that successful commercial operation is necessary to the maintenance of well-balanced, localized programing and a high-quality staff. In its earlier petition for reconsideration KXXX asserted the extreme importance of early hours to advertisers interested in the farm audience, and asserted that the total effect of the presunrise rules (meaning sharp reduction in both power and hours) would jeopardize the 25 percent of its revenue which comes from "farm" accounts.

13. To a degree, some of the comments are misleading in that they imply that the existing restriction would be to 7 a.m. local time during the entire daylight-saving portion of the year. This is the case with very few stations in the United States and only one filing here (KIZZ, El Paso, Tex.) where sunrise is 6 a.m. central standard time in June and later during all other months; the station points out the extreme effect of the rules on it. With respect to the 68 daytime regional stations filing (besides KHAT), the limiting effect of a 6 a.m. "standard time" presunrise sign-on is as follows: [5] All but four (stations in Tennessee, Alabama, and Florida, which can sign on at local sunrise at 6:45 a.m., c.d.s.t.) would be limited to 7 a.m. local time in most of October. In September, 35 would be limited to 7 a.m., 16 could sign on at 6:45, 16 at 6:30, and one (Crossville, Tenn.) at 6:15. In August, 12 would be limited to 7 a.m., 16 could sign on at 6:45, 10 at 6:30, 12 at 6:15, and 18 at 6 (or in some cases earlier). All but two would be affected for the last days in April. In May (and usually in July) KIZZ would be limited to 7 a.m., five stations to 6:45, 11 to 6:30, 16 to 6:15, and 35 could sign on at 6 or earlier local time. In June KIZZ would be limited to 7 a.m., nine others to 6:30, seven to 6:15, and the remainder (51) could sign on at 6 or earlier.[6]

14. As to the stations specifically mentioned in paragraphs 7 through 12 above (aside from WRFD), all would be required under the present rule to sign on after 6 a.m. local time in the last few days of April, and, of course, they would not be so limited during the last few days in October after daylight saving time ends.[7] Aside from the effect in April, and counting October as a full month, these stations under the present rule would lose broadcast time after 6 a.m. local time as follows (the figures are the number of post-6 a.m. minutes per day unavailable in the respective months set forth immediately preceding the station or stations mentioned): Of the 17 stations mentioned in paragraph 7 as emphasizing agricultural programing, four would be limited only in September and October (KXXX 30 and 60, WAEW 15 and 45, and WALY and WOTT 45 and 60 minutes).[8] Six would be limited in 3 months, August, September, and October (KATR, KGRN, WBKN, WGSA, and WXXX, 15, 45, and 60, and WNCC, 30, 60, and 60). Five would be limited in 5 months, May, July, August, September, and October (KEST, WCCW, WJOT, and WTCR, 15, 15, 45, 60, and 60, and WILE, 15, 15, 30, 60, and 60). Two would be limited for 6 months, May through October (WGUS and WMUU, 30, 15, 30, 45, 60, and 60). Of the stations mentioned in paragraph 8 (other than WAEW, WTCR, and WXXX just mentioned), one would be limited in 3 months, August, September, and October (WENN, 15, 30, and 45); one would be limited during 5 months: May, July, August, September, and October (WHIP, 15, 15, 45, 60, and 60); and six would be limited during 6 months, May through October (WTMP, WHIE, and WGTA, 45, 30, 45, 60, 60, and 60; WHUT, 30, 15, 30, 60, 60, 60; KCOH, 30, 15, 30, 45, 60, and 60; and WDYX, 30, 30, 30, 60, 60, and 60). Of the stations mentioned in paragraph 10 as urging various other needs (and not just mentioned above), four would be limtied for 3 months, August, September, and October (KGEN and WLEM, 15, 45, and 60, and WDXE and WTPR, 15, 30, and 60); one would be limited for 5 months, May, July, August, September, and October (KLEB, 15, 15, 30, 45, and 60); and three would be limited for 6 months, May through October (WCWR, 45, 30, 45, 60, 60, and 60, WELE, 30, 30, 30, 45, 60, and 60, and KJEF, 15, 15, 15, 30, 60, and 60). Of the three stations mentioned in paragraphs 11 and 12 concerning economic impact (and not covered above), one would be limited during 5 months, May, July, August, September, and October (WBRJ, 15, 15, 30, 60, and 60); and two would be limited for the 6 months from May through October (WAVO, 30, 30, 30, 60, 60, and 60; and KBER, 45, 30, 45, 60, 60, and 60).[9]

15. Supporting comments by full-time regional stations: Section 73.99 of the rules permits full-time Class III and some full-time Class II stations to obtain PSA's for presunrise use of their daytime modes of operation from 6 a.m. standard time with up to 500 watts power (there are certain other restrictions on Class II stations). In addition, following a "stay" order issued by the U.S. Court of Appeals for the Second Circuit (New York) in October 1967, full-time stations have been able to obtain temporary authority to use their daytime modes during the same hours with whatever power above 500 watts (up to full daytime power) could be used consistent with foreign protection requirements (and in the case of Class II stations, certain protection requirements as to cochannel U.S. Class I stations). This "stay" order was issued because of the pending appeals of various parties from our "presunrise" decision; these appeals were denied and the Commission affirmed on May 10, 1968 (WBEN, Inc., et al. v. U.S. and FCC, C.A. 2, Docket Nos. 31688 et al.). These operations, with more than 500 watts power, are permitted to continue pending further judicial review which has been sought; but (unless such review requires continuation) they will be terminated in the near future, so that presunrise operation by fulltimers, as well as daytimers, will be only pursuant to PSA and with no more than 500 watts. Use of daytime modes of operation is, of course, not necessary for these stations to operate before sunrise, since they have regularly licensed nighttime facilities; but these are usually considerably more restrictive than the facilities authorized for daytime use (lesser power, directional compared to nondirectional, etc.), and numerous fulltimers have applied for and received PSA's and temporary authoriza-

[5] This discussion is based on average times shown in Commission records for the locations of these stations, and assuming that all of the coterminous United States (where all of these stations are located) observes "advanced" time from the last Sunday in April until the last Sunday in October, except Arizona.

Station KHAT, Phoenix, has not been included in these figures or the discussion in paragraphs 11 and 14, because Arizona has elected not to observe daylight-saving time during 1968, according to our information. This station thus is not limited to sign-on after 6 a.m. at any time and would not be affected by the proposed rule change.

[6] Of the eight Class II stations on I–B channels filing comments, the rule change would give four 1 additional hour in October (the other four would not gain); in September it would give 1 hour to two, 45 minutes to one, 30 minutes to four, and 15 minutes to one; in August it would give 1 hour to one, 45 minutes to one, 30 minutes to three, and 15 minutes to three; all would gain time during the last few days of April; in May two would gain 15 minutes and two, 30 minutes; one would gain 15 minutes in June; and in July one would gain 30 minutes and three, 15 minutes. The lesser effect in four cases (e.g., no gain in October) results from the fact that these stations (all in the Eastern time zone) are limited by sunrise at the Class I–B station to the east, at New York City, Philadelphia, or Schenectady.

[7] In 1969, 1970, and 1971, respectively, daylight saving time begins on April 27, 26, and 25, and the last day is Saturday, October 25, 24, and 30.

[8] In its petition for reconsideration KXXX made the argument that, with most of its audience located in the Central Time Zone although Colby is in the Mountain Time Zone, 6 a.m., m.s.t. for it is 8 a.m. "local time" for many of its listeners.

[9] Thus, WAVO could not present its 6:45 program, specifically mentioned, during 3 months of the year, late April, August, September, and most of October.

tions. However, even with the availability of temporary authority for presunrise power in excess of 500 watts, only a minority of fulltime stations have elected to use their adjusted daytime facilities rather than their licensed nighttime facilities, and this number probably will decline when all such operation is limited to 500 watts or less.[10] The remainder will use authorized nighttime facilities during the presunrise period.

16. Of the 24 full-time stations supporting the proposal—all on regional channels and all holding PSA's or temporary authority (or both)—a number filed general comments, either jointly with daytime stations without discussion of the full-time station's situation or blanket assertions that use of daytime facilities gives better service than the more restrictive nighttime directional patterns with considerable "null" areas. Some of the comments (e.g., KTIL, KAGO, and KGMS) are essentially a plea for use of full daytime facilities from 6 a.m. local time; but others assert the importance of using daytime modes of operation even with less than 500 watts. Station KPEL, Lafayette, La. (250 watts) asserts that even so limited its early morning service contours will encompass more people with needs and interests tied to the principal community than would operation with licensed nighttime facilities; and KLVL (Pasadena, Tex.), likewise limited to less than 500 watts, stresses the need to reach the large Spanish-speaking audience (said to have no other Spanish-language medium available at this hour) with informational material before it leaves for work shifts starting at 6 or 7. Station KVOL, Lafayette, La. (temporary authority for 850 watts) urges the need to bring farm and market news to a large rural area, asserting that such information is not available from other stations (the economy resulting from not having to employ a first-class operator for directional operation during the presunrise period is also noted).

17. *Opposing comments.* Aside from the general CBS comments (footnote 2 above), three parties opposed the extension of presunrise operation on these channels, because of the additional interference involved. These were Association on Broadcasting Standards, Inc. (ABS), and the licensees of full-time Class III stations KXOK, St. Louis (630 kc/s) and WBEN, Buffalo (930 kc/s). ABS and WBEN participated in the basic presunrise proceeding, opposing operation as there proposed and decided on, and their later appeals from the decision in Docket 14419 were recently denied as noted above. The record in that proceeding also contained information as to KXOK, although it did not file comments.

18. KXOK and WBEN both claim (on the basis of engineering showings discussed below) that the additional interference to them resulting from a presunrise starting time of 5 a.m. "sun time" (6 a.m. local time) would be excessive (disputing the statement in the notice herein that it would not be). On the basis of conventional nighttime interference computations, it is stated that the R.S.S. limit to KXOK at 4 a.m., c.s.t. in October would be 5.19 mv/m, when four cochannel Eastern time zone stations could commence operation under the proposal (5 a.m., e.s.t.), rising to 8.67 mv/m at 5 a.m., c.s.t. when six other Central time zone stations could begin operating, compared to a normal nighttime limit of 2.18 mv/m and normally protected contour of 2.5 mv/m (the limit includes two mountain time zone stations after 6 a.m., c.s.t. (5 a.m., m.s.t.)). In the case of WBEN, a similar engineering exhibit portrays the interference from 13 Eastern zone cochannel stations to be 14.5 mv/m at 5 a.m., e.s.t. in October, rising to 15.4 mv/m at 6 a.m., e.s.t. when six cochannel Central zone stations would begin operation, compared to a normal nighttime limit of 2.08 mv/m and a normally protected nighttime contour of 2.5 mv/m. A considerable "loss" area lies between these contours in both cases.

19. Various arguments are urged against the proposal by these parties. KXOK asserts that the Docket 14419 decision—including limiting presunrise operation to 6 a.m. standard time—was an appropriate balance and, in view of the lesser need for presunrise operation during summer months, the availability of FM to many daytime stations and the possibility of other operation outside of licensed hours during emergencies, the further erosion through interference from the proposed extension of presunrise hours is not warranted.[11] WBEN asserts that we cannot permit additional presunrise operation by the stations mentioned by it without information as to the interference impact on it versus the service area gained, the availability of other service during these hours to the respective areas and the programing to be gained and lost—information which we do not have and could not expect to get in the short time allowed for comments. ABS opposes the proposal "unless it is modified to curb interference to existing AM broadcast services", and labels it a "proposal to extend further the presunrise operating privilege in derogation of sound engineering principles," without the justification claimed to exist for presunrise operation generally (e.g., there is no need for school cancellation announcements during these months). It is claimed that our basic presunrise decision was arbitrary and capricious, made without the findings required by sections 303(f) and 307(b) concerning the quantum of service to the public to be gained and lost; that we apparently view that decision as dispositive of the present question; and have in fact decided this matter and are only giving "lip service" to administrative requirements of due process; and that we have underestimated the interference actually involved here. ABS asserts here, as it did in its unsuccessful court appeal, that the Commission has adopted a "qualitative" approach to evaluating service and interference, without explanation or giving criteria used in applying such a concept. (It is said that we do not know, or apparently intend to determine, the service loss which will result from the presunrise extension.) ABS does not accept our view expressed in the notice that the value of the service rendered will exceed the loss through interference.

20. ABS, and to a lesser extent WBEN and CBS in the general comments noted above, object to the manner in which this proceeding has been conducted, the short dates for comments, and apparent hurry to reach a decision, which, it is said, indicates that we have already reached a conclusion. ABS asserts that the proceeding is thus not designed to elicit data on which a "qualitative" determination can be based; and that, especially here where a very short time for comments was allowed, there is a heavy burden on the Commission to establish the factual basis for a change in the rule and it is not the duty of the public, in such a short time, to overcome a fixed idea by detailed factual showings. WBEN states that if the time for comments is appropriately extended it will file additional material.[12] It is also asserted that a quick decision is not necessary since presunrise starting time is not a factor until August; and that we should not decide this proceed-

[10] Of approximately 830 full-time Class III regional stations in the conterminous 48 States, 201 hold PSA's; 78 of these also hold temporary authority for use of more than 500 watts; and 107 hold temporary authorizations for such higher power but have not applied for PSA's, a total of 308 authorized presunrise operations. This compares with approximately 1,050 out of 1,225 daytimers on regional channels which have PSA's. On the I–B channels, very few fulltimers (only nine) have presunrise authority, and the percentage of daytimers with PSA's is also smaller.

In the remainder of the United States (Alaska, Hawaii, Puerto Rico, the Virgin Islands, and Guam) nearly all stations are authorized for full-time operation, usually with the same facilities day and night; there is only one authorized presunrise operation (a daytimer in Alaska on 630 kc/s).

[11] KXOK essentially repeats language from the decision on reconsideration in Docket 14419 (par. 4, 10 F.C.C. 2d 284–285, 11 R.R. 2d 1575) concerning the relative value of presunrise operation during daylight saving time months as compared to winter months. However, our statement was advanced as a possibility rather than an absolute fact and followed by a recognition of the values of a uniform 6 a.m. sign on.

[12] The notice of proposed rule making was adopted herein on Feb. 14, 1968, public notice of its issuance was given on that date, the text of the notice was released on February 16, and it was published in the FEDERAL REGISTER on February 21. In the notice we noted the desirability of resolving this matter before the advent of daylight saving time on April 28, observed that the considerations are much the same as those concerning the presunrise question generally and much of the material submitted would probably be similar to the voluminous filings in Docket 14419, and urged parties to incorporate by reference material filed there and in Docket 17562. The dates for comments and reply comments were specified as March 15 and April 1; WBEN filed on March 15. No party requested an extension of time.

ing until judicial review of the basic presunrise decision has been completed.

21. WBEN refers specifically to the 6 a.m.–7 a.m. (e.d.t.) period when it claims interference would be increased as described in its engineering showing. It mentions nine communities (including Hamburg and East Aurora) lying between its normally protected nighttime contour (2.5 mv/m) and the 14.5 mv/m contour resulting from presunrise interference and without local broadcast stations; it is stated that these will lose its service during this period, including a 6 a.m. newscast largely devoted to local and regional news, including news of this area and these communities. It is asked whether the Commission can conclude, on the information before it, that additional presunrise operation should be permitted for Station WIZR, Johnstown, N.Y., when the licensee thereof is an FM permittee and there is a full-time station in adjacent Gloversville, N.Y.[13]

22. The three parties in their engineering showings study the amount of additional presunrise hours of operation involved in the proposed change. The KXOK and WBEN showings (both prepared by the engineering firm of A. Earl Cullum, Jr., and Associates) show the additional hours each of the 31 stations on 630 kc/s and 930 kc/s listed as interference sources would operate during October assuming 27 days of daylight saving time (in all but two cases where 45 minutes of presunrise operation is involved, the additional time is an hour a day or 27 hours in the month, and total presunrise operation for the stations would range from 20¼ hours (in the two cases) to 47¼ hours). The ABS showing related to October and other months involved and was based on locations at various latitudes in the United States (30°, 34°, 38°, 42°, and 46°); it showed the amount of presunrise operation under the present rule and the proposed rule and the amount and percentage of increase. At the 30° location the time would be increased annually from 98 to 174¾ hours, or more than 78 percent; at 46° it would rise from 174¼ to 227¾, or nearly 31 percent, with intermediate values at the other latitudes.[14]

23. The engineering showings of KXOK and WBEN list the daytime-only and full-time stations considered to be sources of presunrise interference (12 for KXOK, 19 for WBEN), the individual limit from each determined by nighttime standards assuming use of daytime facilities with 500 watts or (in three cases) the lesser values necessitated by foreign protection requirements, and the R.S.S. limitation from these individual limits including all of the stations listed, mentioned above. In the notice herein it was stated that the impact of presunrise interference would be limited (inter alia) by time differentials between the interfering stations and the affected station; it is asserted that this is true in the case of KXOK (with the interfering stations lying in three time zones) but that it is not a substantial factor in the case of WBEN, where the addition of Central zone stations at 6 a.m., e.s.t. (6 a.m., c.d.t.) would only slightly increase the limit to WBEN already existing from Eastern zone stations.

24. In evaluating these showings, certain things should be borne in mind. First, the R.S.S. limits to KXOK and WBEN were computed including the individual limits from all of the listed stations, without applying the "50-% exclusion principle" used in R.S.S. calculations, under which signals of less than a certain value in relation to larger signals are not included. If that principle had been applied the R.S.S. value would be somewhat less.[15] Second, as we have often pointed out, the hours involved here are during the transitional period, when full nighttime propagation and interference conditions do not obtain. This would also minimize the potential interference received. Third, in both cases a number of full-time stations are listed as among the sources of interference using daytime facilities with 500 watts (or in two cases less). These include four on 630 kc/s and 10 on 930 kc/s. It is far from certain which of these stations will elect to operate on this basis before sunrise; as noted above only a minority of full-time regional stations have done so up to now even though, temporarily, some could use more than 500 watts power. On 630 kc/s, only one of the full-time stations listed (at Ironwood, Mich.) has sought presunrise authority; on 930 kc/s, only three of the 10 stations listed have so applied (KWOC, WITN, and WKCT). The situation on 930 kc/s may change when the special restrictions on presunrise operations on that frequency (limited by court order to those which will protect WBEN by nighttime standards) can be removed; but here as elsewhere it is far from certain that all or most full-time stations will elect to use daytime facilities before sunrise; and thus the interference actually would be considerably less than that shown, even on the other assumptions used.

25. It should also be borne in mind as to 630 kc/s (though not 930 kc/s) that by and large presunrise interference is something which has existed before, and in greater amount when stations could use full facilities beginning as early as 4 a.m. local standard time. This is discussed more fully in the conclusions.

26. ABS incorporates by reference a good deal of material filed by it in Docket 14419 and in its court appeal from that decision. Most of this, which has been considered either by us or the court in affirming the Commission, need not be discussed at length here; pertinent matters are dealt with in the conclusions herein and the material is summarized in Appendix B hereto. We do discuss at this point engineering material filed in Docket 14419 long after the record therein was closed, based on skywave measurement data and analysis, which was noted in the presunrise decision but not fully considered because it was late filed for that proceeding but not, of course, for this one. ABS refers to it in support of its argument that we underestimate the amount of presunrise interference.

27. The July 1966 ABS filing was based on skywave measurements taken from November 1, 1964, to February 28, 1965, at Seattle on Station KEX, Portland, Oreg., a path of 147 miles. The sunrise and sunset measurements were analyzed to obtain upper decile (10%) values and median (50%) values; the former were then used to derive a diurnal curve and factor applicable to various times before sunrise, similar to that proposed in Docket 14419 but showing considerably higher values (at 1¾ hours before midpoint sunrise, the KEX-derived factor would be 1.58 of second-hour-after-sunset values, compared to 0.94 under the Docket 14419 factor; at 15 minutes before sunrise the respective values would be 1.12 and 0.35). Applying these values to a specific hypothetical situation on 1150 kc/s (interference to Station KAYO, Seattle, from two Washington State daytime-only stations operating with 500 watts), the R.S.S. limit for the various times before sunrise was determined under both standards, and the values obtained by using the KEX-derived curve were of course much higher; e.g., 11.6 mv/m compared to 7.2 mv/m at 6 a.m. in December, and 9.1 mv/m compared to 3.5 mv/m at 7:15 in December. It was concluded that skywave interference values steadily increase after the second hour after sunset until the second hour before sunrise (being 30 percent higher), and do not attenuate appreciably until sunrise at the midpoint. It was stated that this raises a substantial question as to the accuracy of the Docket 14419 curve, and it was urged that Docket 14419 not be decided until study of the applicable physical phenomena was completed; appointment of a Government-

[13] The individual limit from this station to WBEN, using conventional nighttime computations, is shown to be 4.69 mv/m, the fourth highest of the limits from the stations listed on 930 kc/s.

[14] Insofar as it purports to depict the hours of presunrise operation by stations in the United States at various latitudes the ABS showing is an oversimplification, since sunrise time, and the amount of presunrise operation involved, varies with longitude as well as with latitude. The exhibit does not state what locations were used in the calculations; from examination it appears that it was based on locations at or near the latitudes mentioned and the 90th meridan. The exhibit shows no presunrise operation in May, June, or July except in the extreme southern location (30°, July only); but, as shown in the material discussed above, this is by no means true of the United States generally, and the statements by ABS and WBEN to the effect that little or no presunrise operation takes place between April and August are therefore somewhat misleading.

[15] See the decision concerning a petition by WSAI, Cincinnati, Ohio (1360 kc/s), against 37 PSA's on that channel, filed in November 1967 and denied in December 1967 (Memorandum Opinion and Order adopted Dec. 20, 1967, FCC 67-1363, 11 F.C.C. 2d 89, footnote 2). In that decision we considered an interference showing (by the same firm) also prepared including all listed stations without the 50-% exclusion principle. We pointed out the different result which would be obtained if that principle were applied, and noted that material filed by that firm in Docket 14419 had used this principle.

industry committee for this purpose was urged.

28. The February 1967 filing contained in its first part an analysis of generally similar measurements made on WBZ, Boston, in New York City, and on WHAM, Rochester, in Philadelphia (path lengths of 175 and 245 miles respectively) from November 1, 1965, to February 28, 1966. The same type of conclusion was reached, with particular attention to the higher values close to sunrise than those close to sunset (analysis of the upper decile (10 percent) data showed values during the 15 minutes before midpoint sunrise which were 68 percent of the second-hour-after-sunset values on one path and 76 percent on the other compared to values during the 15 minutes immediately after midpoint sunset which were 31 percent and 45 percent respectively of second-hour values). The second part of this study consisted of a derivation of the "Secant Law" for the purpose of analyzing vertical-incidence measurements taken in a CCIR-sponsored measurement project in South Africa in 1961, and applying the result to oblique transmissions in the standard broadcast band in the United States. A similar result was obtained, generally correlating with the U.S. measurements mentioned. It was concluded generally that there is roughly a half-hour difference between sunrise and sunset transitional conditions, so that conditions at sunset are roughly the same as those a half hour after sunrise. It was again stated that sufficient data exists so that a method of predicting skywave interference can be arrived at, and further study was urged. ABS expressed again its opposition to the Docket 14419 presunrise proposal on the ground of excessive interference.

29. *Other data.* KXOK and WBEN mention the availability of full-time AM and/or FM service as minimizing the need for further presunrise operation. Of 17 daytime stations mentioned as interference sources, five are in communities with full-time AM stations, in five other cases there is full-time AM service from a community nearby or in the same county (or both); and in seven cases there is no local, nearby, or in-county full-time AM service (none of these are in urbanized areas). Of the five cases where there is no local but nearby full-time AM service, in two cases the AM station has an FM affiliate (Lovington, N. Mex., and Johnstown, N.Y.); in Auburndale, Wis., the AM station is associated with an educational FM network; and Milford, Del., and Holyoke, Mass., have FM service available from nearby or in the same county but not locally (Milford has a vacant FM channel assigned; there is none available at Holyoke). Of the seven cases where there is no local or nearby full-time AM service, in four there is an affiliated FM station (Albertville, Ala., Toccoa, Ga., Thibodaux, La., and Sevierville, Tenn.); in Thomasville, Ala., there is an unoccupied FM channel assigned and an FM station in the same county but over 25 miles away; in Magnolia, Ark., there is nonaffiliated local FM service but no additional channel assigned; and in Aitkin, Minn., there is an FM channel assigned but no local, in-county, or nearby service. All of the KXOK nighttime service area receives full-time and presunrise St. Louis AM service (including I–A Station KMOX), as does all or nearly all of the WBEN service area in the United States from Buffalo stations (including I–B Station WKBW). KXOK is not an FM licensee and there are no channels available. WBEN is the licensee of a wide-coverage FM station.[16]

30. Appendix A shows the same information with respect to the 69 daytime stations filing herein; as shown there, 40 are in places with no full-time AM outlet, in 19 of these cases there is no nearby or in-county full-time AM service, and in five cases there is no local, nearby, or in-county full-time AM or FM service or FM channel assigned. A study of stations on 1590 and 1600 kc/s, selected because these have a large number of stations, shows generally the same picture.[17]

CONCLUSIONS: THE REGIONAL CHANNELS

31. As to the regional channels, on careful consideration of the record herein we conclude that the tentative view expressed in the notice herein is correct, and that section 73.99 of the rules should be amended to read "6 a.m. local time" instead of "6 a.m. local standard time", as the starting time for operations conducted under PSA's, which will permit a reasonably early uniform sign-on time by most Class III daytimers throughout the year geared to the "local clock time" of the listener. In the October 1967 memorandum opinion and order in Docket 14419 we expressed the idea that the months of the year involved here—the daylight-saving time months from late April until late October—are perhaps not those when presunrise operation is of the most significance to the station or its audience, for example as valuable as winter months of adverse weather conditions and the high commercial activity of the pre-Christmas period. Two parties opposing the change (ABS and KXOK) express the view that this is the case, and the increase in presunrise operation and resulting interference entailed is therefore not warranted. However, we conclude that there is a substantial need for presunrise informational service of local origin during these months, also, as shown by the material discussed in paragraphs 7 through 10, above. These are not, to be sure, the months when bad-weather conditions make necessary frequent announcements concerning school and schoolbus cancellations (one of the most frequently urged considerations in support of presunrise operating privileges); and when severe weather conditions create real emergency situations, the emergency operating rule (section 73.98) permits operation on a very specific basis. But aside from these matters there appears from the above-discussed material to be a substantial need for provision of other kinds of information, such as agricultural material, news, road and traffic conditions, etc., and to supply informational announcements to members of the audience before they leave for work or school. The facts set forth (paragraphs 29–30) support the conclusion we reached in Docket 14419 that presunrise operation should be provided for, on a limited basis, in the interest of bringing needed service where it is otherwise lacking. The needs demonstrated for the additional service during the "advanced time" months make it clear that the benefits from the relaxation of the rule outweigh the detriment from interference.

32. The restrictive effect of the present rule has been noted above (see paragraphs 13–14). The same is true with respect to the stations on 630 kc/s and 930 kc/s mentioned by KXOK and WBEN, and the daytime stations on 1590 and 1600 kc/s also referred to in paragraph 30, above.[18]

33. We are aware, as ABS and KXOK point out, that the adjustment proposed and decided on herein represents, to a degree, a departure from the proposal contained in the 1962 further notice in Docket 14419, as well as the decision reached in that proceeding, both of which provided for presunrise operation starting at 6 a.m. local standard time. In connection with the decision to make this change, it is appropriate to discuss briefly the background of "daylight saving time" and the presunrise proceeding.

34. "Daylight saving" or "advanced" time has been part of American life for half a century, or since 1918, and overall has prevailed in an increasing portion of the country during the years between then and the Uniform Time Act of 1966. However, except for wartime years it was always a matter of State or local

[16] In late-filed comments in Docket 14419 WBEN showed alleged loss of service to it but did not claim any "loss" area not served presunrise by other Buffalo stations. In addition to WKBW, full-time Class III Buffalo Stations WGR and WEBR serve portions of the WBEN nighttime area.

[17] Of the 88 daytime stations on 1590 and 1600 kc/s now holding PSA's, 65 are in places with no full-time AM outlets, including the following where there is no local, nearby, or in-county full-time AM or FM service or FM channel assigned: Lafayette, Nashville, and Thomaston, Ga.; Mount Vernon, Ind.; Eminence and Lebanon, Ky.; Wayne, Nebr.; Bryson City and West Jefferson, N.C.; St. Helens, Oreg.; and Carthage, Tex.

[18] Of the 17 daytime stations mentioned by KXOK and WBEN, three would be limited to sign-on after 6 a.m. local time in 6 months (late April to late October), two in 5 months, one in 4 months, six in 3 months, and five in 2 months. Fifteen would be limited to 7 a.m. in most of October, five in September also, and one in August as well. Of 87 daytime stations on 1590 and 1600 kc/s holding PSA's, 32 would be limited to sign-on after 6 a.m. during 6 months, 12 during 5 months, five during 4 months, 24 during 3 months, and 14 in 2 months (excluding late April and counting October as a full month). Eighty-five would be limited to 7 a.m. sign-on during most of October, 55 also in September, 20 during August as well, and one in all of the daylight saving time months. These figures do not include a station at Tucson, Ariz., not affected by the standard time problem (see footnote 5).

option, not in effect in substantial part of the United States—perhaps particularly those less thickly settled States of the South, Southwest, and West where listeners must rely on daytime-only stations for local AM service—subject to change from year to year, and, equally important, where in effect prevailing for varying period of the year, such as May 1 to September 1 or late April to late September. Under these circumstances, it would have been difficult, perhaps impossible, to devise a practicable presunrise rule in terms of a particular starting time expressed in "local time". The difficulty would have been even greater in basing the necessary international agreement on such a concept. Therefore the 1962 further notice, and the proposal to Canada and tentative agreement reached at the administrative level in October 1965, were in terms of 6 a.m. "local standard time".

35. The enactment of the Uniform Time Act of 1966, effective April 1, 1967, of course, changed this situation, by adopting "advanced time" from the last Sunday in April until the last Sunday in October as a matter of national policy except where a State elects to remain on nonadvanced time all year; and in 1967 and 1968 the advancement has generally prevailed throughout the continental United States. However, the Canadian agreement was negotiated and formalized in terms of 6 a.m. "local standard time", and our domestic rules therefore could not have been adopted on another basis. The parenthetical statement in the Docket 14419 decision mentioned by KXOK, that we believe presunrise operation should be confined to 6 a.m. local standard time and after was consistent with this agreement. What we had in mind was the assertion by a number of stations in that proceeding that use of daytime facilities at an earlier time than 6 a.m. (e.g., 5 or 5:30 a.m.) should be permitted, a view which we rejected for reasons which that statement and the following language were designed to express. The matter of operation at 6 a.m. "local time" instead of 6 a.m. "standard time" was not in fact raised in the proceeding, no commenting party discussing this point even though some urged the importance of operation earlier than 6 a.m. generally (for the most part, the material in that proceeding related to the winter months, and, as mentioned, daylight saving time was less prevalent in 1963 when the record in that proceeding was made).

36. This particular point was raised in a number of petitions for reconsideration, was recognized in the memorandum opinion and order on reconsideration, and later specifically proposed as a change in the rules in the notice in the present proceeding, after it appeared from conversations with Canadian representatives that the necessary change in the Canadian presunrise agreement was a possibility. We expressed in the notice herein the tentative view that the adjustment should be made if it were internationally possible. After carefully considering the record herein, we are of the same view. We conclude that the benefits from the provision of early morning service on a uniform "local clock time" basis, which the change will make possible, outweigh the losses from the resulting interference.

37. *Interference considerations.* As to the interference which would result from the proposed change, we note the showings of ABS and the two individual stations mentioned. There will be some additional interference, although (for reasons mentioned in paragraph 24) this would not appear to be as great as these showings indicate. Two other facts should be borne in mind: First, as mentioned in the notice it does not appear that, overall, the interference level would be higher during the daylight saving months than the standard time months under the present rule, and may well be less in some cases; and second (noted in paragraph 25), usually this would be preexisting interference, not a new condition. Also, as mentioned in the notice, the effect of any additional interference is lessened by time differentials between stations.

38. As to the first point, presunrise interference between stations at particular locations varies with the extent to which such operation takes place before sunrise at the pertinent locations: The earlier and further from sunrise, the greater the interference; the later and closer to sunrise, the less the interference. January is the month of latest average sunrise during the entire year and October is the month of latest average sunrise during the daylight saving time period, and a comparison of interference levels under the proposal in January and October can be made by comparing 6 a.m. (local time and standard time) in January with 6 a.m. "local time" (5 a.m. standard time) in October. Since the difference between 5 a.m. and 6 a.m. is 1 hour, the area of inquiry is whether average sunrise in January is less than 1 hour, 1 hour, or more than 1 hour later than that in October. In general, and for the groups of stations previously discussed herein, it is slightly more than 1 hour later in January, and therefore, interference levels in January would, overall, be slightly higher.[19]

39. With respect to the 6 a.m. (local time)—sunrise interval during the year generally, it is of course less in some standard time months than in October or January; but likewise it is less during other daylight saving time months. At St. Louis, the average interval between 6 a.m. local time (5 a.m. standard time) and average sunrise is 45 minutes during the three daylight saving time months when presunrise operation is generally prevalent (August to October), compared to an average of 54 minutes between 6 a.m. (standard time) and average sunrise during the five standard time months when presunrise operation generally prevails (November through March). At Buffalo the respective averages are: August–October, 55 minutes; November–March, 75 minutes. Of the 12 stations mentioned by KXOK on 630 kc/s as interference sources, the August–October average is less than the November–March average in at least half of the cases. Of the 19 stations on 930 kc/s mentioned by WBEN the August–October average is less in the great majority of the cases.

40. As to the second point, we have noted in previous decisions that presunrise operation (and interference) is, in general, not a new phenomenon, since the majority of regional stations engaged in it under the former rule; and, since it was with full daytime facilities (usually greater than 500 watts) and could start at 4 a.m. standard time, interference under the restrictions adopted in 1967 would be expected to be, overall, less than that existing earlier. This was of course not true on 930 kc/s, and perhaps a few other frequencies where stations were active in "policing" their channels against presunrise interference (and in other individual situations where stations were precluded); but it was true overall.[20]

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[19] "Average sunrise" as used herein means average sunrise time as defined in our rules (section 73.79) and specified in Commission authorizations: Actual sunrise on the 15th day of the month, rounded off to the nearest quarter hour.

At a fairly large number of locations in the southern part of the country, where annual variations in sunrise and sunset times are relatively small, average sunrise in January is only 45 minutes later than that in October (it is never less). At many locations in the country—perhaps half—it is 1 hour later, so that the January and October difference is the same. At a large number of locations in the northern part of the nation (including all of the States along the northern border except Ohio and Pennsylvania, and including more locations than those in the first group mentioned) sunrise in January is 1¼ or 1½ hours later than that in October. Thus, overall, the difference is slightly greater than 1 hour.

As to the 93 regional stations filing herein, average sunrise is 45 minutes earlier in October for eight, 1 hour earlier for 39, 1¼ hours earlier for 43 and 1½ hours earlier for three. Of the 12 stations on 630 kc/s mentioned by KXOK, it is 45 minutes earlier for one, 1 hour earlier for nine, 1¼ hours earlier for one and 1½ hours earlier for one; of the 19 such stations on 930 kc/s mentioned by WBEN it is 1 hour earlier at 10, 1¼ hours earlier at eight, and 1½ hours earlier at one (the difference is 1 hour at St. Louis and 1¼ hours at Buffalo). Of the 101 stations on 1590 and 1600 kc/s now holding PSA's, it is 45 minutes earlier at four, 1 hour earlier at 47, 1¼ hours earlier at 46, and 1½ hours at four.

[20] Of the regional stations filing herein, stations on 1600 kc/s now holding PSA's, and the 12 on 630 kc/s mentioned by KXOK, only 15 were precluded from presunrise operation either as new authorizations or because of complaint (none of the 12 on 630 kc/s). One of those filing was reduced to 500 watts presunrise after complaint (WDXE), and complaints against four were pending at the time of the presunrise decision and dismissed (WBOB, WGTA, WLEM, WRAA). Of the daytimers included in those groups mentioned, during 1967 and years immediately preceding, 20 could use 5 kw presunrise, 65 could use 1 kw, and 30, 500 watts (these take into

41. The same is true with respect to the time period involved here as far as a comparison with 1967 conditions is concerned, since "advanced" time prevailed nationally during that year and previous presunrise operations were permitted to continue as before until it ended on October 28.[21] It cannot be determined exactly how interference under the proposal would compare with that during earlier years, since the Commission did not require specific information concerning presunrise operation under former section 73.87 and also, with daylight saving time not then in effect in a substantial part of the nation, stations interested only in a 6 a.m. (local time) sign-on and located there would not have operated during this time period. However, it appears that a fairly large number of regional daytime-only stations have operated before 6 a.m. local time (sometimes as early as 4 a.m.), and of course, daylight saving time was fairly prevalent in the United States in the years before 1967, and for stations in these areas the nationwide adoption of daylight saving time did not involve a change in operating hours.[22] In both situations, of course, operation was usually with full daytime facilities, greater than 500 watts. Thus, in this respect also, it appears that the sources of the interference which would result from the proposed rule existed in the past, and overall interference is probably considerably less than in earlier years, due to present restrictions on presunrise hours and operating power.

42. Since the operations which would result in interference have thus largely been in existence under the permissive provision of former section 73.87 of the rules, the proposed change would merely continue that service, which, as noted above, appears to be one of significance.

43. In the notice herein, we observed that the number of stations affected by the additional interference which would be created under the proposed rule, and the degree thereof, is limited by time differentials between the stations involved. While WBEN states that this is not significant in its case, overall, it is a significant consideration, as mentioned, especially if the term "time differentials" is used (as we meant it in the notice) to mean not only actual differences in permissible sign-on time resulting from location in different time zones, but also differentials in sunrise times between stations in the same zone, and taking into account the transitional character of the period involved with respect to the intensity of skywave transmission. For example, it means that interference from a station located far to the west of a cochannel station would be of relatively little significance on the latter; 5 to 6 a.m., m.s.t., would be 7 to 8 a.m., e.s.t., which is usually well after sunrise at the latter location even in October, even though well before sunrise at the western station's location. In the converse situation, where the potentially interfering station is located far to the east, the interference to the western station would more closely approach full nighttime conditions, since darkness prevails over the entire path; but 5 to 6 a.m., e.s.t., is 3 to 4 a.m., m.s.t., or 4 to 5 a.m., m.d.s.t., and it is likely that the earlier hour involved is one of less significance to the station affected and its audience, if indeed it is operating at all at that time. The time zone differential also means that, as to the important 6 a.m. to 7 a.m. local time period (5 a.m. to 6 a.m. standard time) stations would be affected by the proposed rule change only as to stations located within their time zones, since stations in zones to the east can already operate presunrise under the present rule, and stations in zones to the west could not operate presunrise until the end of this period. Operation during the preceding hour (5 a.m. to 6 a.m. local time, 4 a.m. to 5 a.m. standard time) would be affected only by operations in the time zone immediately to the east; operation during the hour from 7 to 8 a.m. local time (6 to 7 a.m. standard time) would be affected only by operations in the time zone immediately to the west, the impact of which is relatively small in the case of both KXOK and WBEN compared to that from stations in the same zone which can operate during this time under the present rule, or, after their own local sunrise, with full daytime facilities.

44. *Individual consideration.* It is apparent from the foregoing that, overall, the change should be adopted in the public interest since the service benefits will outweigh the interference detriments. WBEN and KXOK call attention to facts of their specific situations; but, as we mentioned in the Docket 14419 decision (report and order, paragraph 19, and Appendix A thereto, paragraph 30) it is simply not possible to take into account the facts of individual stations in adopting and applying rules in this area. This was true in the basic presunrise proceeding, and is equally true here, where the same vast numbers of stations are involved. The facts of these situations illustrate the impossibility of such an approach. For example, on 930 kc/s, we would have to consider vis-a-vis WBEN the facts of numerous daytime stations—area gained or lost, other services, etc.—in order to determine what presunrise operation (or its extension to 6 a.m. "local time") should be permitted and where it should not. Moreover, since other fulltimers on the channel would be entitled to protection consideration on the same basis—e.g., the 10 others in the eastern half of the United States mentioned by WBEN—it would be necessary to consider all of these and whatever other daytimers might affect them. Such a consideration would obviously be extremely complex, burdensome and time-consuming, well beyond the value which any additional information gained might have. On the majority of regional channels, with more stations, the problem would be even greater. As we stated in the Docket 14419 decision (Appendix A, paragraph 30):

> We do not conceive that a more particularized approach, either by hearing or otherwise, would throw significantly more light on the appropriate course of action in a given situation, anything like enough to warrant the burden involved.[23]

45. Even if individual consideration were possible, the result in these two situations would not necessarily be clear. In the case of KXOK an important factor might be the extent of FM availability for daytimers on its channel since it does not have an associated FM station; but, as we stated in the presunrise decision (report and order in Docket 14419, Appendix A, paragraph 21) at the present time this does not appear to be a complete answer to the provision of needed presunrise service, perhaps particularly in outlying areas. The discussion in that document is still apposite and need not be repeated here. Another factor which would probably have to be taken into account is the fact that the interference complained of is not new (none of the stations was precluded from operating) but may well be less than that previously existing when stations operated presunrise with full power. As to WBEN, the interference will, for the

account cases where stations were required to operate with less than authorized daytime facilities either because of complaint or where greater daytime facilities were authorized after January 1962 and presunrise operation was with former lesser facilities). On 930 kc/s presunrise operation was usually precluded in that part of the country where is would affect WBEN, but even so some of the stations mentioned by WBEN indicated in their PSA requests of late 1967 that they had been using full day facilities before sunrise starting at 4 or 5 a.m. (WJBY and KWOC). On 1590 kc/s it was also precluded for numerous stations (usually because of complaint by Station WAKR, Akron), but numerous others were not precluded, including 5 kw operations at Atmore, Ala., and Lafayette, Ga.

See the WSAI decision of December 1967 (footnote 15, above) for a study of comparative interference levels under former section 73.87 and the present presunrise rule, on a channel where there was a substantial amount of presunrise complaint activity.

[21] To the extent stations able to operate presunrise did not start at 5 a.m. standard time during the daylight saving time months of 1967, it was because they were not interested in such operation. Presumably such lack of interest, which was probably true in relatively few cases, would still prevail so that they would not operate during this additional time now.

[22] As of 1965, daylight saving time was in statewide effect in 15 States, in 16 States it was a matter of local option, and in 19 States it was not observed at all. See World Almanac (1966), p. 536.

Of the regional stations filing herein, eight indicated (either in their present comments or earlier petitions for reconsideration in Docket 14419), that they have signed on at 4:30, 5, or 5:30 a.m. local time (KATR, KEST, KGEN, KMA, KXXX, WENN, WGSA, and WHUT). Numerous others indicated long-standing sign-on times of 6 a.m. local time and earlier.

[23] The burden of individual consideration would be even greater if programing is included, as WBEN apparently requests. The doubtful validity of any case-by-case consideration of presunrise program content was recognized by the Second Circuit U.S. Court of Appeals in affirming the basic presunrise decision. WBEN, supra, Slip Opinion pp. 2247–48.

most part, be occurring for the first time; but WBEN is an FM licensee of long standing. In neither of these cases can it clearly be determined that the presunrise operations complained of would not be permitted to extend to 6 a.m. "local time" if individual consideration were possible and were afforded in these situations.[24] This illustrates the small value of individual inquiry, in relation to the burden involved, mentioned above.

46. Conceivably, a rule could be adopted limiting eligibility for the additional time in one or more of various respects, such as only to stations which would have been "eligible" under the proposal in Docket 14419 (those in communities with no full-time station and not in urbanized areas), only to those in communities without existing (or existing or potential) local FM service or not where the AM station itself is affiliated with a local FM station, or only to stations which have operated presunrise in earlier years, or only to 250 watts power. However, all of these were considered in connection with the basic presunrise decision and rejected; see the discussion in the report and order in Docket 14419, paragraph 19; Appendix A (paragraphs 20–21, 24–25, 28). We see no more reason to adopt any or all of these approaches in the present case. The interference involved will, overall, be no more than, and may well be less than, that involved at other times of the year in presunrise operation under the present rule.

47. *Full-time regional stations.* The conclusions above have dealt chiefly with daytime-only regional stations, leaving the question as to whether the same additional operation should be provided for unlimited-time regional stations, where, of course, it is not necessary for their operation during the period involved. A number of such stations supported the proposal (see paragraphs 15–16). None of the opponents of the additional presunrise time made a distinction between daytime and full-time stations.

48. We are of the view that in these cases also the rule should be changed to read 6 a.m. "local time". We note in this connection the service benefits mentioned by stations such as KPEL and KLVL (paragraph 16), and, also, the desirability of giving fulltimers a measure of protection against daytimer interference during the additional period, if they choose to use it, and of avoiding discrimination against full-time stations in this respect as in the basic presunrise arrangement. The discussion in the Docket 14419 report and order (paragraph 19 and Appendix A, paragraph 29) covers this subject and need not be repeated. Taking into account that only a minority of full-time regional stations are likely to engage in PSA operation rather than using nighttime facilities (see paragraph 15 above), we are of the view that the additional interference will not outweigh the benefits.

49. *Other general arguments.* The earlier ABS material incorporated here by reference contains a number of arguments, most of which have been discussed and disposed of either by us or the U.S. Court of Appeals (C.A. 2) which considered its appeal and affirmed the Commission. These discussions need not be repeated here. One argument made on appeal was that we failed to attach appropriate weight to the value of fulltimer service as shown in the Docket 14419 material; the showing was evaluated in the presunrise decision (report and order, Appendix A, paragraphs 6 and 17) and the Court found our treatment appropriate. In any event, ABS did not submit any such material in the present proceeding. As to the difference between a "quantitative" and "qualitative" approach,[25] the basis of our decision in the presunrise matter was made clear enough, as the Court of Appeals found; it means, to use the language of the Commission's brief, the provision of service where there is a greater need for it. The parties interested in commenting herein were certainly in a position to be aware of the basis of decision in the presunrise proceeding, whatever conceptual adjective may be used to describe it. With respect to the earlier contention that there is no support for our belief that presunrise interference will be no greater than that previously existing (here as with presunrise operation generally) the material set forth above, as well as the analysis of certain presunrise operations on 1360 kc/s undertaken late in 1967 (see footnote 15 above), supports this conclusion, and the Court has agreed.

50. As to the level of interference which might be expected to result from the additional presunrise operation permitted, we have considered the ABS and other material and do not find it persuasive. As to the skywave measurement data (paragraphs 27–28 above), we pointed out in the Docket 14419 decision that individual skywave measurements are not appropriate as a basis for determining skywave service or interference (Appendix A, footnote 17), citing the decision in the Skywave Measurement proceeding of 1954.[26] We adhere to the views set forth in the latter document. Especially, in view of the limited and fragmentary nature of this data (measurements on three fairly short paths, taken over a period of four late fall and winter months and during only 2 years) we do not find them of probative significance so as to justify withholding the additional operating time involved here. This is particularly true in light of the fact that during the period involved interference levels would be expected to be no greater than, and likely less than, those prevailing during winter months. In other words, whether or not the interference level is higher generally than other methods of calculation such as the proposed diurnal curve in Docket 14419 would indicate, it is at any rate no higher during the period involved here than during other months. ABS' other specific material, the showing as to the additional hours of operation involved, does little more than state the obvious: That the change to 6 a.m. "local time" will mean substantially more presunrise operating hours for many stations.[27]

51. Therefore the specific relief asked by ABS—that the rule not be adopted unless it is modified to curb interference to existing services—is not appropriate. To the extent that ABS would have us consider here the specific relief urged in its Docket 14419 material—study of transitional conditions and, meanwhile maintenance of former section 73.87—we do not believe it appropriate to return to the former "permissive" or "complaint" system, for reasons detailed in the previous decision, even for this limited purpose.

52. ABS, WBEN, and CBS express, in various ways, displeasure at the "urgency" with which this proceeding was conducted, and the fact that we expressed our tentative view in the notice that the proposal should be adopted. These arguments are without substance. The reason for the short time for comments and reply comments was so that, if obtaining formal Canadian concurrence in a revision of the Canada-United States agreement made it possible, this proceeding—representing a change which appeared to us desirable—could be removed before daylight saving time began on April 28 and the restrictive effect of the "standard time" language in the rule came into operation. As it turned out, this was not possible, and, as indicated above, a large number of stations are restricted at the moment to sign-on after 6 a.m. local time. But this does not mean that the restriction should not be removed as quickly as it can be, if—as we tentatively believed earlier and have now concluded after careful consideration—it is an undesirable one. While the time

[24] WBEN raises the question of individual consideration in the context of one specific situation, interference to it as against additional presunrise time for daytime Station WIZR, Johnstown, N.Y. Even here, the result is not necessarily clear, since the fulltime station in a nearby community is a Class IV and may not serve presunrise the same area (in other directions from Johnstown) that WIZR would serve. This illustrates the rather dubious value of such inquiry in relation to the burden involved. We recognized in the presunrise decision that "new zones of interference" would be created in some cases. As noted, WBEN is a long-standing FM licensee, which has sometimes attempted to protect its wide-area coverage by seeking changes in the FM Table of Assignments to remove the possibility of interference to it. The FM station can present the AM programing during the limited number of hours involved here, and it may be that FM is of more significance in the case of long-established stations such as this than with a newer facility such as WIZR–FM.

[25] The word "qualitative" is one originating with ABS in its reply brief on appeal.

[26] Amendment of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (Skywave Measurements), Docket No. 10492 (1954), 10 R.R. 1562.

[27] We have also considered the engineering material submitted by ABS in its Docket 14419 comments, including the interference effect on two full-time stations, summarized in Appendix B. This is generally similar to many other such showings in that proceeding, and all were considered. As stated above, we do not find in any particular situation called to our attention reason not to adopt the general rule as proposed, with respect to the regional channels.

for comments was short, the subject matter had been explored fairly recently in Docket 14419 and, in part, just previously in Docket 17562. The interested parties, their counsel and engineering consultants should have been—and in the case of the objecting parties, obviously were—thoroughly familiar with this general area and the considerations and approaches, and were encouraged to (and in the case of ABS did) incorporate earlier material by reference. As noted above, no one requested an extension of time. Nor did the fact that we set forth a tentative view mean that we had definitely decided to adopt the proposal. Rather, it was believed that it would be helpful to commenting parties to formulate our view so that they could comment effectively on it, particularly with the short time for filing comments which was necessary if desirable early resolution of this matter was to be achieved. ABS' argument concerning the need for providing factual justification for a new rule, and not relying on parties opposed to rebut it in the relatively short time given them, need not be discussed. The record herein, and our own consideration of other pertinent data set forth above, fully supports adoption of the proposal.

53. *Class II stations on U.S. I–B channels.* As noted in paragraph 2, above, the present decision does not cover Class II stations on U.S. I–A channels, because of other considerations relating to these channels which appear from the record herein and in Dockets 17562 and 18036. One of these is the question of adequate protection to the wide-area service of Class I–A stations. It could conceivably be urged that the same different considerations apply to I–B channels, and therefore as to Class II stations on these channels the approach adopted herein for Class III stations should not be taken. However, there is nothing in the record to support such a distinction. Except for the very brief and general comments by CBS (the licensee of one I–B station which is not affected by the present proposal since all presunrise operations on its channel must afford it full nighttime protection), no I–B station commented. As far as impact on full-time Class II service is concerned (some ABS members are in this category), the situation is the same as that on the regional channels. The same need for additional service by Class II stations appears to exist as in the case of Class III stations,[28] and in other repects, such as the presence of numerous presunrise operations on some channels which would have to be considered together, the situation is more like the regional channels than the I–A channels. Therefore, we are adopting for Class II stations on I–B channels the same decision as for the regional stations: 6 a.m. for presunrise operations means 6 a.m. "local time". The locations and protection requirements of dominant I–B assignments will, of course, in many instances, preclude a 6 a.m. "local time" sign-on by Class II stations.[29]

DISPOSITION

54. September is a month in which, as already indicated, local sunrise at all stations occurs later than 6 a.m. "local time" (5 a.m. standard time). Unless the rule change proposed and adopted herein is effective by September 1, the approximately 1,500 stations affected and the communities they serve will not benefit from the adjustment which we have found would serve the public interest. Canadian concurrence in the necessary revision of the Canada-United States presunrise agreement has been obtained, and a corresponding change in the rule is therefore possible.[30] Accordingly, we are making the amended rule effective September 1, 1968. Since this change relaxes an existing restriction, it may be made effective without regard to the waiting period and prior publication provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553).

55. In view of the foregoing: *It is ordered,* Pursuant to authority found in sections 4(i), 303 (c) and (r), and 307(b) of the Communications Act of 1934, as amended, that section 73.99 of the Commission's rules is amended, effective September 1, 1968, to delete the word "standard" from wherever it appears in paragraph (b) thereof: *Provided, however,* That the note following § 73.99(b)(1) of the rules pertaining to Class II operations on U.S. I–A channels shall continue to read "6 a.m. local standard time" pending final resolution of matters at issue in Docket Nos. 17562 and 18036.[31]

56. *It is further ordered,* That pursuant to the November 13, 1967, stay order issued by the U.S. Second Circuit Court of Appeals, full-time stations holding temporary operating authority for presunrise powers in excess of 500 watts may continue at authorized power levels (but with sign-on times adjusted as herein provided) pending resolution of matters in which review has been sought in the Supreme Court in ABS et al. v. FCC (Nos. 368, 369, and 390).

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

Adopted: August 21, 1968.

Released: August 30, 1968.

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

APPENDIX A

LIST OF PARTIES FILING FORMAL COMMENTS AND/OR REPLY COMMENTS

Comments herein were filed by Association on Broadcasting Standards, Inc., Clear Channel Broadcasting Service, Inc., Daytime Broadcasters Association, Inc. (respectively associations of full-time Class II and III, I–A and daytime stations); Columbia Broadcasting System, Inc.; the licensees of I–A Stations KFI and WCCO; the licensees of full-time Class III Stations KXOK, St. Louis, Mo., and WBEN, Buffalo, N.Y.; and the licensees of the stations listed below (many filing joint comments). The stations listed below are divided into Class II stations on I–A clear channels; daytime-only Class II stations on I–B channels; unlimited-time Class III stations; and daytime-only Class III stations. As indicated in the text, information is set forth as to the daytime-only Class III stations, with respect to the availability of local or nearby AM or FM service (or FM channel assignments) in their communities. Within each category stations are grouped alphabetically by State and city.[1]

CLASS II STATIONS ON I–A CLEAR CHANNELS

Location	*Call*
San Francisco, Calif.	KFAX
Chicago, Ill.	WJJD
Ames, Iowa (reply comments)	WOI
Grand Island, Nebr.	KMMJ
Omaha, Nebr.	KOZN
Akron, Ohio (reply comments)	WHLO
Columbus, Ohio	WRFD
Portland, Oreg.	KXL
Fort Worth, Tex.	KJIM
Seattle, Wash.	KXA

DAYTIME-ONLY CLASS II STATIONS ON I–B CLEAR CHANNELS

Location	*Call*
Indianapolis, Ind.	WATI
Benton Harbor, Mich.	WHFB
Blue Earth, Minn.	KBEW
Coshocton, Ohio	WTNS
Toledo, Ohio	WTOD
Butler, Pa.	WISR
Bolivar, Tenn.	WBOL
Paris, Tenn.	WTPR

UNLIMITED-TIME CLASS III STATIONS

Location	*Call*
Sierra Vista, Ariz.	KHFH
Sacramento, Calif.	KGMS
New Haven, Conn.	WAVZ
Dover, Del.	WDOV
Boise, Idaho	KIDO
La Grange, Ill.	WTAQ
Bloomington, Ind.	WTTS
Shenandoah, Iowa	KMA
Lafayette, La.	KPEL
Lafayette, La.	KVOL
Lake Charles, La.	KPLC

[28] Of the eight daytime Class II stations on I–B channels filing herein, five are in places with no local, in-county, or nearby full-time AM service; three of these (at Blue Earth, Minn., Coshocton, Ohio, and Paris, Tenn.) are associated with FM stations; in one case (Butler, Pa.) there is local FM service but no available FM channel, and in the other (Bolivar, Tenn.) there is no local, nearby, or in-county FM service or available channel.

[29] In any event Class I–B clear channel stations will continue to be protected out to their 0.5 mv/m 50 percent skywave contours and Class II stations will continue to regulate their sign-on practices by the actual (nonadvanced) sunrise times at dominant stations.

[30] Adoption of this first report and order, and the rule amendment contained herein, on Aug. 21, 1968, is subject to entry into effect and issuance only when Canadian concurrence in the corresponding change in the language of the Canada-United States presunrise agreement of 1967 (TIAS 6268) is obtained.

[31] Therefore, as to Class II stations on U.S. I–A clear channels covered by that note the presunrise starting time remains 6 a.m. local standard time for the time being; a decision concerning this question will be issued in the very near future, in light of the matters of record in this proceeding and Dockets 17562 and 18036. See paragraph 2, above.

[1] The comments of I–A stations and Class II stations on I–A channels are not covered in the first report and order since no decision is reached as to these channels. See paragraph 2.

Location	Call
Annapolis, Md	WNAV
Crookston, Minn	KROX
Springfield, Mo	KWTO
Asheville, N.C	WLOS
Toledo, Ohio	WOHO
Klamath Falls, Oreg	KAGO
Tillamook, Oreg	KTIL
Harrisburg, Pa	WHP
Charleston, S.C	WCSC
Columbia, S.C	WOIC
Jackson, Tenn	WDXI
Pasadena, Tex	KLVL
Wisconsin Rapids, Wis	WFHR

DAYTIME-ONLY CLASS III STATIONS

Available local or nearby AM service, and FM service or available channel, is indicated under the "AM" and "FM" columns, for each station as follows:

AM:

* Indicates full-time station in community.

** Indicates no full-time station in community but in nearby community or in-county (or both). No indication means no local, nearby or in-county full-time outlet.

FM:

X—Indicates AM station is associated with local or nearby FM station or unopposed applicant.

S—Indicates local non-associated FM service; except in two cases where "VC" also appears, there is no unoccupied channel assigned to this city.

VC—Indicates vacant channel; except where it appears with "S" or "**" there is no existing local or nearby FM service.

** Indicates no local FM service but nearby service; "VC" following indicates vacant channel assigned to the city.

No indication indicates no local, in-county, or nearby FM service or channel.

Location	Call	AM	FM
Birmingham, Ala	WENN	*	X
Huntsville, Ala	WEUP	*	S
Phoenix, Ariz	KHAT	*	S
Tulare, Calif	KGEN	*	X
Westport, Conn	WMMM	**	X
Newark, Del	WNRK	**	**
DeLand, Fla	WOOO	*	X
Dunedin, Fla	WCWR	**	**
Fort Walton Beach, Fla	WFTW	*	X
South Daytona, Fla	WELE	**	**
Tampa, Fla	WTMP	*	S
Buford, Ga.[2]	WDYX		
Decatur, Ga	WAVO	**	X
Griffin, Ga	WHIE	*	S
Summerville, Ga	WGTA		
Boise, Idaho	KEST	*	S
Chicago Heights, Ill	WCGO	**	X
Chicago Heights, Ill	WMPP	**	**
East Moline, Ill	WDLM	**	**
Lincoln, Ill	WPRC		VC
Anderson, Ind	WHUT	*	S
Brazil, Ind	WWCM	**	**-VC
Indianapolis, Ind	WGEE	*	X
Clinton, Iowa	KCLN	*	S
Grinnell, Iowa	KGRN		
Colby, Kans	KXXX		VC
Ashland, Ky	WTCR	*	X
Mt. Vernon, Ky	WRVK		
Golden Meadow, La	KLEB		X
Jennings, La	KJEF		X
Shreveport, La	KCIJ	*	S
Brockton, Mass	WOKW	*	S
Big Rapids, Mich	WBRN		X
Charlotte, Mich	WCER		X
Monroe, Mich	WQTE	**	S
Traverse City, Mich	WCCW	*	X
Hattiesburg, Miss	WXXX	*	S
Newton, Miss	WBKN		
Waynesville, Mo	KJPW		X
Herkimer, N.Y	WALY	**	**-VC
Kingston, N.Y	WGHQ	*	X
Mt. Kisco, N.Y	WVIP	**	X
New Rochelle, N.Y	WVOX	**	X
Watertown, N.Y	WOTT	*	X
Mooresville, N.C	WHIP	**	**
Plymouth, N.C	WPNC		VC
Wilson, N.C	WLLY	*	S
Cambridge, Ohio	WILE		X
Marietta, Ohio	WBRJ	*	S
Eugene, Oreg	KATR	*	S
Barnesboro, Pa	WNCC	**	**
Emporium, Pa	WLEM		VC
Ephrata, Pa	WGSA	**	X
Warwick, R.I	WARV	**	**
Cheraw, S.C	WCRE	**	
Greenville, S.C	WMUU	*	X
Lake City, S.C	WJOT	**	**
North Augusta, S.C	WGUS	**	X
Crossville, Tenn	WAEW		X
Lawrenceburg, Tenn	WDXE		X
El Paso, Tex	KIZZ	*	S-VC
Houston, Tex	KCOH	*	S
San Antonio, Tex	KBER	*	X
Galax, Va	WBOB		X
Luray, Va	WRAA		VC
Martinsville, Va	WHEE	*	S
Huntington, W. Va	WWHY	*	S-VC
Superior, Wis	WAKX	*	S
Two Rivers, Wis	WQTC	**	X

[2] There is a pending rule-making proposal (Docket 18269) to assign a Class A FM channel to Buford, Ga.

APPENDIX B

Summary of comments and reply comments timely filed by Association on Broadcasting Standards, Inc. (ABS) in Docket 14419, and the ABS brief and reply brief on appeal from that decision (a large portion of the earlier ABS material has been rendered moot or immaterial, by the decision of the U.S. Court of Appeals (2d Circuit) affirming our "presunrise" decision or by the passage of time. These matters are not included herein. Also, of course, its material relates more to the basic question of presunrise operation rather than the limited extension of it involved here. However, it does relate to the latter to some extent, and has been considered in our decision. A summary of this material follows).

I. *Comments in Docket 14419.*

1. The core of ABS' position (expressed in a comment 98 pages long exclusive of engineering and other exhibits) was that section 73.87 should be maintained for the present, and that a joint Government-industry propagation committee should be activated to study transmission conditions during the presunrise transition period (our proposed diurnal curve was strongly attacked). It also urged strongly that—at least with the limited amount of information then at hand—a "case-by-case" approach to presunrise operation is indispensable if the public interest is to be served, rather than the overall, somewhat sweeping treatment envisaged by our proposal.[1]

2. ABS also noted some of our earlier observations about the nature of daytime-only stations and their efforts to obtain non-daytime hours. It referred to our statement in the Docket 12274 decision (1958) that authorization of daytimers was specifically intended to permit utilization of spectrum space which "after accommodating other stations (i.e., clear channel and fulltime regional stations) was available during the day but not at night"—i.e., sunrise to sunset. Thus, asserted ABS, daytime service is supplementary service. It also quoted paragraph 5 of the further notice herein, in which we pointed out the illogicality of daytimers' efforts to secure extended hours of operation as a matter of right, when they applied for and were authorized facilities for strictly daytime use, their proposals being evaluated strictly on the basis of daytime service and interference, and now they seek additional hours as to which no specific assessment of interference has been made at all. ABS asserted that many daytimers could have applied for fulltime operation (on the same or another frequency), if they were willing to go to the expense of directional operation, as fulltimers were willing to. The question was also asked why in Docket 14419 the Commission proposed to put nonengineering factors ("local needs" such as schoolbus information in wintertime) ahead of engineering considerations, when in the overall AM study it proposed to consider whether nontechnical factors should be considered at all (see the "freeze" order, FCC 62-516). It was also asserted that the Commission's proposal would benefit the private interests of certain daytimers, but at the expense of the public interest and the private interest of existing fulltimers.

3. ABS asserted that only on a case-by-case approach—taking into account interference caused and whatever gains would result—can the Commission discharge its responsibilities. The public interest, it was said, is not "susceptible to generalization"; a question of "need" for service is not resolved by presumption but only by consideration in each situation of the many variables involved and ABS believes that probably in the majority of cases the daytimers would lose. ABS referred to certain specific factors and situations which, it says, obviously make such an approach necessary: (1) The specific sunrise times at the stations involved; (2) the extent to which service during presunrise hours is available from nearby full-time stations (see the discussion of Jansky and Baily engineering, below); and (3) under what circumstances the public interest requires cessation of presunrise use of daytime facilities by fulltimers. (ABS' lengthy and vigorous objections to this prohibition was in part met by the decision and decision on reconsideration in Docket 14419. It is not relevant in Docket 18023, since the question is not what facilities should be permitted for presunrise operation by daytime and full-time stations, but the time involved.)

4. Attacking the daytimers' argument that only they can supply needed local information and service, ABS made the oft-repeated observation that their service areas are highly limited because of interference during the presunrise hours—precluding any real "rural" service—and also made a showing concerning the role of wide-area fulltimers in serving the needs of communities outside of their own cities.

5. ABS also called attention to what it considered "anomalies" in the Docket 14419 proposal. For example, what about communities having two regional daytimers and no fulltimer—how will the Commission decide which daytimer will be authorized presunrise, or, if both are to be, does this not discriminate against daytimers whose communities have one full-time service? Also, what about a daytimer eligible and authorized under the proposal, when a fulltimer is later authorized in the community—will the Commission then start action looking toward cessation of the daytimer's presunrise operation, or let it continue in total disregard of the criterion on which the proposal was based? (These "anomalies" were one reason for not adopting, in the Docket 14419 proceeding, the restriction of presunrise operation to daytimers in places without fulltime stations.) In several connections (e.g., use of directional antennas by daytimers for presunrise operation) ABS suggested application of computer techniques.

6. A number of showings were submitted by ABS on behalf of member full-time stations, asserting the importance of their wide-area coverage during the presunrise hours, which, it was claimed, should be fully protected. These included WOW, Omaha; KING,

[1] Another ABS argument was that Docket 14419 could properly be decided separately from a number of basic allocation matters (AM and FM) which were then pending. Of these, the only one now outstanding is certain aspects of the Clear Channel proceeding, the use of the remaining 12 I-A channels. This has little or no relation to this proceeding as far as other channels are concerned.

Seattle; KREM, Spokane; KGW, Portland; WTMJ, Milwaukee; KCMO, Kansas City; and WBEN, Buffalo. Aside from stressing the value of large-scale news operations (which, it was asserted, only a large radio station such as these can provide), the matters emphasized included wide-area news coverage (e.g., 38 "stringers" in communities up to 100 miles and more from Omaha); agricultural information (e.g., 6:00 broadcasters of Omaha livestock receipts, and extensive farm programing by WTMJ between 5 and 6:30 a.m.); wide-area weather news [2] such as five-or-six State conditions and forecasts, and school and schoolbus information (up to 50 miles in the case of KING, and about the same distance in the case of WTMJ and WBEN, the latter including all or part of eight counties). (These stations are all affiliated with wide-coverage Class B or C FM stations.)

7. The ABS comments also included a large amount of engineering material, including a study of the interference effects from presunrise operation on two particular fulltime regional stations (WGST, Atlanta, and WIOU, Kokomo, Ind.). These were in large part substantially similar to others submitted in Docket 14419 and those referred to herein, showing the high interference limit (computed using the proposed diurnal curves) imposed on these stations by presunrise operation with 500 watts (WGST at 6 a.m. in January would be limited to 9.25 mv/m compared to a normal nighttime limit of 2.29 mv/m, a difference of 357,000 in population served; the figures for WIOU were 9.59 and 5.15 mv/m). The limited extent of service from daytimers during these hours was also portrayed (interference-free contours only 2 to 4 miles from the transmitter site). In the case of the WGST study, ABS showed the lesser effect of daytimer presunrise operation with lesser power (190 watts), which in the case of one daytimers would also give it equal coverage because interference from other daytimers would be less.[3]

8. The ABS engineering also included a study of regional channel utilization and the number of "eligible" daytimers (those in communities without a full-time station and not in urbanized areas, some 61 percent of all regional daytimers) and studies of FM availability, and the availability of full-time service from "nearby" communities though not from the community itself.[4] Other engineering material included a quick method for making a rough determination of presunrise (500-watt) interference from a given number of stations at given distances, a study of the number of operations which would be affected by having to observe international obligations with respect to Canada, and a lengthy submission in opposition to the proposed diurnal curve (it was urged that presunrise transitional conditions are not a "mirror image" of postsunset conditions on which the curve was based, but full or nearly full night-time conditions prevail until quite close to sunrise).

II. *ABS Reply Comments in Docket 14419.*

9. The ABS reply comments in Docket 14419 noted that nearly all of the commenting parties opposed the proposal therein, and another solution was required; it repeated its assertion that an industry-government committee should be formed to study transitional conditions, using among other things the data which is available, and urged further opportunity for all to present data, continuing section 73.87 in the meantime. The need for fulltimer presunrise use of daytime facilities, to provide improved service as well as protection from daytimer operation, was again urged. The position of Daytime Broadcasters Association (essentially, that all daytimer presunrise operations should be grandfathered, and such operations terminated on complaint only after a lengthy procedure) was opposed. It was also urged that various counterproposals urged in comments should be considered, at a minimum, to reduce interference, such as 250 watts instead of 500 watts and starting at 7 a.m. instead of 6, and that FM as a possible replacement for daytime operations generally should be considered.

III. *ABS Brief in its appeal case (Association on Broadcasting Standards, Inc. v. U.S. and FCC, C.A. 2, 1968).*[5]

10. After a discussion of technical considerations (nighttime-daytime AM propagation differences, classes of stations and allocations objectives) and a history of presunrise operation, the ABS brief in its summary of argument characterized the new rules as follows: an "invalid attempt * * * to settle a longstanding issue of a technical nature on the basis of political and administrative expediency, rather than on the basis of a factual determination that the public interest, convenience and necessity would be served by the rules adopted." The rules, it was said, permit operations without regard to massive interference to many stations and despite large net loss in service to the public, and are in excess of the Commission's authority both as to results and as to methods used, and arbitrary and capricious because not based on valid findings of fact and in fact ignoring earlier specific findings on the same general subject.

11. It was said that the rule adopted is arbitrary and capricious in that it discriminates against full-time stations in favor of daytime-only stations and in favor of urban populations (those who will receive presunrise service under the rule) and against rural populations (who will lose the service of full-time stations because of interference), as well as in favor of foreign stations and against domestic stations; and in that it completely, and almost entirely without explanation, disregards the holdings in prior decisions and pronouncements on this and related subjects which were often based on specific and detailed findings as to the amount of interference, and reaches a different result without findings or adoption of a new standard for evaluating interference (the proceedings mentioned are Dockets 12274 and 12729, the "5 to 7" and "6 to 6" proceedings of 1958 and 1959, and the imposition of the AM "freeze" in 1962 and subsequent proceedings concerning revision of the AM rules (Docket 15084, decided in 1964) in which avoidance of interference was stressed). The recitals in the presunrise decision, it was said, are speculative ("may well be", "we believe", etc.), rather than the specific findings required by law. Various procedural inconsistencies in the decision were alleged, said to amount to discrimination as mentioned above. It was asserted that the Commission improperly questioned the validity of its own nighttime interference standards without adopting, or waiting for the adoption of, new ones. The new rule, it was said, amounted to failure to use the Commission's expertise, and improper failure to adopt rules limiting interference between stations (section 303(f) of the Act). It was urged that our assumption that presunrise interference would not be a new phenomenon but previously existed on a large scale is unsupported and made without any attempt to determine the actual facts; that the absence of complaint did not show absence of interference since interference is a statistical matter and can occur without the injured station being aware of it; and affected stations are deprived of the privilege they formerly had of getting objectionable operations terminated by complaining against them. It was argued that, in (allegedly) abandoning existing interference standards for this purpose without adopting new ones, we failed to come to grips with the question of interference and need to limit it in the public interest, but avoided it and the facts of scientific reality. Our conclusions, in Docket 12729 that extended hours of operation with reduced power (e.g. 500 watts) afforded only very limited potential for alleviating interference, and in Docket 12274 that the "loss" area would often be close to rather than distant from the affected station, were referred to (with reference in the latter connection to the case of WGST, Atlanta, mentioned in the summary of the ABS comments, above, where the interference (determined using the diurnal curve proposed in Docket 14419) would be as close as about 6 miles to the transmitter, said to be a typical situation).[6]

12. Reduction in the time and power of long-standing fulltimer presunrise operations was complained of, said to be erroneous because not necessary to protect services of greater value but on an arbitrary basis. It was said that the findings necessary to sup-

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[2] ABS, arguing that the "weather" service rendered by local daytimers presunrise is not of unique character, asserted that the only reliable weather service is that of the Weather Bureau, and that—regardless of the locality where the weather broadcast originates—there are only 315 local U.S. Weather Bureau stations in the United States, mostly in larger communities, and every radio station, local or not, gets its information from these weather stations.

[3] WGST is not an FM licensee and there are no available FM channels; Atlanta of course has multiple fulltime AM and FM services including a I–A clear channel station. WIOU has a Class A (limited-coverage) FM associate; it is the only AM station in Kokomo or vicinity. Of the 10 daytime stations on 920 and 1350 kc/s listed as interference sources, all were, and are, in places with no local fulltime AM outlet and usually (though not always) with no such station in the county or nearby. Three of the 10 are associated with FM stations and in a fourth case there is an unoccupied FM channel assigned to the community.

[4] Of 231 daytimers on 10 regional channels studied, 210 were either in places with existing FM stations (36), places with an available channel in the FM table or available under the "25-mile rule" (135), or places within the 1 mv/m contour of an existing station assuming maximum facilities (39). Of 39 stations studied on two channels, 14 were in communities with "nearby" full-time AM service (i.e., within the interference-free night-time contour of an AM station).

[5] Strictly legal arguments, such as detailed recital of the various legal consequences alleged to flow from the character of the decisions, the matter of "316 hearing rights", and the significance of the Canada-United States presunrise agreement of 1967, are not set forth herein, since they were all considered by the U.S. Court of Appeals in deciding the case and affirming the Commission.

[6] As the cited passage in the Docket 12729 decision (18 R.R. 1689, 1695) makes clear, the reference was primarily to the disruption of skywave service, that by Class I stations, which is unaffected by the presunrise decision. See the Docket 14419 decision, report and order, paragraphs 7, 16. With respect to the Atlanta situation, all of that city and surrounding area receive groundwave service from Class I–A Station WSB, extending far beyond the WGST nighttime service area, as well as from other full-time AM and FM Atlanta stations.

port a "307(b)" determination were not made, but that the record in Docket 14419, as well as decisions in the prior proceedings, show that the service gained is mostly in or near cities often with multiple local AM or FM full-time services, whereas the loss is to millions in rural "white areas", so that in fact the "307(b)" mandate is not met. It was also said that even if valid a general determination here cannot support individual grants of PSA's; individual public-interest findings in connection with each grant—specifically not contemplated under the rule—are required.

IV. *ABS Reply Brief.*

13. The ABS brief in reply to the Commission's brief in general repeated the same lines of argument just detailed. It was asserted that the Commission's brief indicates that the Commission has shifted in service-interference decisions, from a "quantitative" to a "qualitative" standard—allegedly providing service where it is most needed—apparently a flight from objectivity to subjectivity and supported not by findings on the point but merely conclusions as to the alleged qualitative superiority of the presunrise service thus provided for. It is said that this is contrary to the Docket 12729 conclusion that there are no local needs incapable of fulfillment under present rules so great as to warrant the disruption of radio service relied on by millions, without any statement of the basis for the reversal. Attention is again called to the "close-in" interference said to result in the Atlanta situation, and to the "white area" which would lose the service of WREC, Memphis, through interference from presunrise operation by daytimers under the new rule (noted in the Docket 14419 Report and Order). In short, it is said that the decision is an abandonment of this agency's rule as an expert technical agency in favor of an "arbitrary and convenient" solution.

As stated in the report and order in the present proceeding (Docket 18023), these various arguments and data were carefully considered in the presunrise decision (June 1967) and decision on reconsideration (October 1967), and/or by the U.S. Court of Appeals for the Second Circuit, which affirmed the new rule in its May 10, 1968, opinion. They have carefully been considered again insofar as they are pertinent to the more limited "6 a.m. local time" question involved here, but in view of the lengthy previous discussions which we incorporate herein, by us and by the Court, no more discussion is required than that contained in the present report and order.

[F.R. Doc. 68-10611; Filed, Aug. 30, 1968; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 2 through November 24, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,495 acres, is delineated on maps and shown as Area A which are available at refuge headquarters, Brigham City, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) No hunting is permitted from roadways or within 100 yards of roadways.

(2) Checking in and out—Each hunter who enters Area A is required to register at the checking station and check out before leaving the refuge.

(3) Parking—Hunters may park cars only at designated area within refuge.

(4) To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

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 24, 1968.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

AUGUST 22, 1968.

[F.R. Doc. 68-10532; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

The public hunting of Ruffed and Sharp-tailed Grouse, Snowshoe Hare, Gray and Black Squirrels, Coyote, Fox, Porcupine, Raccoon, Skunk and Crow on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 85,200 acres, is delineated on maps available at refuge headquarters, Seney, Michigan 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 governing the hunting of these species subject to the following special conditions:

(1) The designated open area east of the Walsh Ditch is closed to all hunting until November 15.

(2) Foxes and raccoons may not be taken at night.

(3) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

The provisions of this special regulation supplements 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 March 31, 1969.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

AUGUST 23, 1968.

[F.R. Doc. 68-10531; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

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

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

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tamarac National Wildlife Refuge, Minn., is permitted on the area designated by signs as open to hunting. This open area, comprising 45,000 acres, is delineated on maps available at refuge headquarters, Rochert, Minn., and from the office of 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 and black bear. Subject to the following conditions.

(1) The open season for hunting dear and black bear, with legal firearms, is from November 9, 1968, through November 13, 1968, inclusive.

(2) In addition, an open season for hunting deer and black bear with legal bow and arrow is permitted from September 28 through October 31, 1968, on the area designated by signs as open to hunting. This open area, comprising 12,000 acres, is delineated on maps available at refuge headquarters.

(3) A Federal permit is not required to enter the public hunting area.

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 13, 1968.

NELIUS B. NELSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

AUGUST 26, 1968.

[F.R. Doc. 68-10533; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, ruffed grouse, Hungarian partridge, gray and fox squirrels, cottontail, jack and snowshoe rabbits on the Tamarac National Wildlife Refuge, Minn., is permitted only in the area designated by signs as open to hunting. This open area comprising 12,000 acres is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species as may be otherwise authorized by Minnesota State regulations is prohibited.

Open seasons: Pheasants—12:00 noon October 26, 1968, through November 17, 1968. Ruffed grouse—Sunrise September 28, 1968, through November 3, 1968. Second season runs from November 20, 1968, through November 30, 1968. Gray and fox squirrels—September 28 through December 31, 1968. Cottontail, jack and snowshoe rabbits—September 28, 1968, through March 1, 1969.

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 March 1, 1969.

NELIUS B. NELSON,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

AUGUST 26, 1968.

[F.R. Doc. 68-10534; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Seney National Wildlife Refuge, Mich.

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.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of deer and bear on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. The open area, comprising 85,200 acres, is delineated on a map available at the refuge headquarters, Seney, Mich., 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 and Federal regulations covering the hunting of deer and bear subject to the following special conditions:

(1) Bow and arrow hunting is permitted only on 29,720 acres lying west of the Walsh Ditch (excluding the East ½ Section 3, T. 45 N., R. 15 W.; West Walsh Farm), from October 1 through November 14; and on the 85,200 acre area open to gun hunting, from December 1 through December 31.

(2) Bear may be taken by archers only from October 1 through November 14 and by gun hunters only from November 15 through November 30. Bear may not be taken with aid of dogs.

(3) Camping is permitted only west of the Driggs River during the gun season. A Federal permit, obtainable at refuge headquarters and a State Camp Registration obtainable at refuge headquarters or any State Conservation Field Office are required for camping.

(4) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes and snow sleds are not permitted on the refuge.

The provisions of these special regulations 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 31, 1968.

JOHN E. WILBRECHT,
Refuge Manager, Seney National Wildlife Refuge, Seney, Mich.

AUGUST 23, 1968.

[F.R. Doc. 68-10530; Filed, Aug. 30, 1968; 8:46 a.m.]

PART 32—HUNTING

Slade National Wildlife Refuge, N. 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.

NORTH DAKOTA

SLADE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Slade National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,840 acres, is delineated on a map available at the refuge headquarters 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 subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 8, 1968, and from sunrise to sunset November 9, 1968, through November 17, 1968.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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 17, 1968.

MARVIN MANSFIELD,
Refuge Manager, Slade National Wildlife Refuge, Dawson, N. Dak.

AUGUST 26, 1968.

[F.R. Doc. 68-10580; Filed, Aug. 30, 1968; 8:50 a.m.]

PART 32—HUNTING

Long Lake National Wildlife Refuge, N. Dak.

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

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

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 21,000 acres, is delineated on a map available at the refuge headquarters 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 subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset November 8, 1968, and from sunrise to sunset November 9, 1968, through November 17, 1968.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

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 17, 1968.

MARVIN MANSFIELD,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, N. Dak.

AUGUST 26, 1968.

[F.R. Doc. 68-10563; Filed, Aug. 30, 1968; 8:48 a.m.]

PART 32—HUNTING

Baskett Slough National Wildlife Refuge, Oregon; Correction

In F.R. Doc. 68–10353, appearing on page 12141 of the issue for Wednesday, August 28, 1968, paragraph 4 under § 32.12 should read as follows: Mourning doves and band-tailed pigeons may be hunted on the Baskett Slough National Wildlife Refuge, Route 2, Box 208, Corvallis, Oreg. 97330.

JOHN D. FINDLAY,
Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 22, 1968.

[F.R. Doc. 68–10598; Filed, Aug. 30, 1968; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 11]

COUNTRY OF ORIGIN MARKING

Proposed Marking To Avoid Misleading or Deceiving the Ultimate Purchaser of Imported Articles

Notice is hereby given that under the authority of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), it is proposed to amend §§ 11.8 and 11.10 of the Customs Regulations.

The purpose of the proposed amendment is to incorporate into the regulations the specific requirement now contained only in administrative rulings and instructions to district directors of customs for additional marking to avoid the possibility of misleading or deceiving the ultimate purchaser as to the origin of imported articles when the article or its container bears any inscription which could reasonably be construed to imply that the article was manufactured or produced in the United States or in a foreign country other than the country of manufacture or production. In addition it would provide that the exception from the country of origin marking requirement within any specification in section 304(a)(3) of the Tariff Act of 1930, as amended, shall not apply to any article bearing any inscription which could reasonably be construed to imply that the article was manufactured or produced in the United States or in a foreign country other than the country of manufacture or production.

On February 11, 1967, a notice of proposed rule making on this subject was published in the FEDERAL REGISTER (32 F.R. 2819). The proposal was adopted effective August 24, 1967 (T.D. 67-165) (32 F.R. 10845). Upon request, the Bureau of Customs subsequently suspended effectiveness of the amendment to permit additional comments to be submitted.

After further consideration of this matter, it has been decided to terminate the amendment of § 11.8(a) promulgated as T.D. 67-165 (32 F.R. 10845), the effectiveness of which was suspended by T.D. 67-230 (32 F.R. 13863). It is now proposed to amend §§ 11.8 and 11.10 in tentative form, as follows:

Section 11.8 is amended by redesignating paragraph (a) as paragraph (a)(1) and adding subparagraphs (2) and (3) as follows:

§ 11.8 Marking of articles and containers to indicate name of country of origin.

(a)(1) * * *

(2) In any case in which the words "United States" or "American," the letters "U.S.A.," any variation of such words or letters, or the name of any place, country, or locality other than that in which the article was manufactured or produced appear on an imported article or its retail container in a manner which could be construed as indicating the place of origin of the article, the name of the country of origin preceded by "Made in," "Product of," or other words of similar import shall appear legibly, conspicuously, and permanently in proximity to such words, letters, or name.

(3) Articles such as souvenirs which bear the name of a location in the United States, or articles on which words such as "United States" or "America" appear as part of a trademark or trade name, shall not be deemed to be marked in violation of this section if they are legibly, conspicuously, and permanently marked to indicate the name of the country of origin, preceded by "Made in," "Product of," or other similar words, in some other conspicuous location.

* * * * *

Section 11.10 is amended by adding the following sentence at the end of paragraph (a):

§ 11.10 Exceptions to marking requirements.

(a) * * * An exception from marking shall not apply to any article or retail container bearing any words, letters, or names described in section 11.8(a)(2) which imply that an article was made or produced in a country other than the actual country of origin.

* * * * *

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

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

Approved: August 22, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10560; Filed, Aug. 30, 1968; 8:48 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 246]

PROPOSED GUIDES FOR THE TOY INDUSTRY RELATING TO DISCRIMINATORY PRACTICES

Extension of Time for Comments

Pursuant to numerous requests received indicating a need for additional time in which to submit comments and views on the Commission's Proposed Guides for the Toy Industry Relating to Discriminatory Practices, the Commission has extended the time for filing written comment to and including September 30, 1968.

Approved: August 27, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-10613; Filed, Aug. 30, 1968; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Terms and Conditions Governing Use by Handlers of Identifying Marks Utilized by Committee in Promotional and Advertising Projects

Consideration is being given to the following proposals, as hereinafter set forth, of the handlers' use of identifying marks, "Texasweet" and "Sweeter by Nature", utilized by the committee in promotional and advertising projects (Subpart—Rules and Regulations), which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with these proposals should file the same with the Hearing Clerk, Room 112A, 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 regular business hours (7 CFR 1.27(b)).

The proposals are to amend § 906.137 (7 CFR 906.137; 32 F.R. 14372) of Subpart—Rules and Regulations, to read as follows:

§ 906.137 Handlers use of identifying marks utilized by the committee in promotional and advertising projects.

(a) On and after September 15, 1968, the identifying marks "Texasweet" and

"Sweeter by Nature" shall be available to handlers only under the following terms and conditions:

(1) The identifying marks "Texasweet" and "Sweeter by Nature" may severally or jointly be affixed only to containers of grapefruit or to individual grapefruit comprising a lot which grades at least U.S. No. 1 Bronze;

(2) The identifying marks "Texasweet" and "Sweeter by Nature" may severally or jointly be affixed only to containers of oranges or to individual oranges comprising a lot which grades at least U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 and the remainder U.S. No. 2.

(b) When used herein, terms relating to grade shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.685 of this title) and in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

Dated: August 28, 1968.

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

[F.R. Doc. 68–10602; Filed, Aug. 30, 1968; 8:50 a.m.]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of grapefruit by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, 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 regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

§ 906.341 Grapefruit Regulation 20.

(a) *Order.* (1) During the period September 15, 1968, through September 14, 1969, no handler shall handle:

(i) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3$^{9}/_{16}$ inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) 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; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) (§§ 51.620–51.685 of this title).

Dated: August 28, 1968.

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

[F.R. Doc. 68–10603; Filed, Aug. 30, 1968; 8:50 a.m.]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Amendment of Container and Pack Regulation

Consideration is being given to the following proposal, as hereinafter set forth, of container and pack regulations (Subpart—Container and Pack Requirements), which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, 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 regular business hours (7 CFR 1.27(b)).

The proposal is to authorize the use beginning on September 15, 1968, of another container in addition to those now authorized under § 906.340 *Container and pack regulations* (33 F.R. 11542). Such container is a 1⅔ bushel closed wirebound wooden box with inside dimensions of 24$^{5}/_{16}$ x 11$^{3}/_{4}$ x 11$^{3}/_{8}$ inches, described in Freight Tariff 2G as container No. 3680.

Dated: August 28, 1968.

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

[F.R. Doc. 68–10604; Filed, Aug. 30, 1968; 8:50 a.m.]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of oranges by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, 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 regular business hours (7 CFR 1.27(b)).

Such proposal reads as follows:

§ 906.342 Orange Regulation 19.

(a) *Order.* (1) During the period September 15, 1968, through September 14, 1969, no handler shall handle:

(i) Early and midseason oranges, grown in the production area, unless such oranges grade U.S. No. 2; U.S. Combination, with not less than 60 percent, by

count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or any higher grade.

(ii) Early and midseason oranges, grown as aforesaid, which are of a size smaller than 2$\frac{9}{16}$ inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than 2$\frac{9}{16}$ inches in diameter; or

(iii) Early and midseason oranges, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

Early and midseason oranges, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(2) 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; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (§§ 51.680–51.712 of this title).

Dated: August 28, 1968.

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

[F.R. Doc. 68–10605; Filed, Aug. 30, 1968; 8:50 a.m.]

[7 CFR Part 944]

ORANGES

Import Regulations

Consideration is being given to the following proposals, as hereinafter set forth, which would limit the importation of any oranges into the United States, pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944). This proposed amendment of the import regulation is designed to prescribe a grade and size regulation which would be the same as the proposed domestic grade and size regulation for oranges grown in the State of Texas, which is also to become effective September 15, 1968. This import regulation is effective pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are to amend paragraphs (a) and (j) of § 944.307 Orange Regulation 8 (7 CFR Part 944) to read as follows:

§ 944.307 Orange Regulation 8.

(a) On and after September 15, 1968, the importation into the United States of any oranges is prohibited unless such oranges are inspected and grade U.S. No. 2; U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 and the remainder grading U.S. No. 2; or any higher grades; and are of a size not smaller than 2$\frac{9}{16}$ inches in diameter: *Provided,* That not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in individual containers in such lot, may be of a size smaller than 2$\frac{9}{16}$ inches in diameter.

* * * * *

(j) The terms "U.S. No. 2," "U.S. No. 1," "U.S. Combination," and "diameter" shall have the same meaning as when used in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.712). "Importation" means release from custody of the U.S. Bureau of Customs.

* * * * *

Dated: August 29, 1968.

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

[F.R. Doc. 68–10692; Filed, Aug. 30, 1968; 11:25 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

BETA-OXY-NAPHTHOIC ACID FROM WEST GERMANY

Notice of Tentative Negative Determination

Information was received on August 21, 1967, that Beta-oxy-Naphthoic acid from West Germany, manufactured by Farbwerke Hoechst A.G. was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of December 12, 1967, on page 17676.

I hereby make a tentative determination that Beta-oxy-Naphthoic acid from West Germany, manufactured by Farbwerke Hoechst A.G. is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based:

It was determined that the approximate comparison for fair value purposes is between exporters sales price and home market value.

Exporters sales price was based on the delivered price to United States customers with appropriate deductions for selling expenses, ocean freight and insurance, inland charges in Germany and the United States, and United States duty. Additions were made as required by the statute for rebate and remission of certain taxes applied in the home market but not on exportation.

Home market price was based on the ex-works home market price converted to U.S. dollars.

Exporters sales price was not lower than home market price.

In accordance with § 53.33(b), Customs Regulations (19 CFR 53.33(b)) interested parties may present written views or arguments, or request in writing, that the Secretary of the Treasury afford an opportunity to present oral views.

Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by this office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to section 53.33 of the Customs Regulations (19 CFR 53.33).

Approved: August 23, 1968.

[SEAL] JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-10561; Filed, Aug. 30, 1968; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. Sub-B-62]

BOSTON FISH MARKET CORP.

Notice of Hearing

AUGUST 27, 1968.

Boston Fish Market Corp., 253 Northern Avenue, Boston, Mass. 02110, has applied for a fishing vessel construction differential subsidy to aid in the construction of a 132-foot length overall steel vessel to engage in the fishery for groundfish (cod, cusk, haddock, hake, ocean perch and pollock) and flounder.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on October 21, 1968, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change, along with the new location.

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-10555; Filed, Aug. 30, 1968; 8:48 a.m.]

[Docket No. G-412]

JAMES D. ARMSTRONG

Notice of Loan Application

James D. Armstrong, 1928 Fifth Street, Brunswick, Ga. 31520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 42.9-foot registered length wood vessel to engage in the fishery for shrimp, blue crab and flounder.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

RUSSELL T. NORRIS,
Acting Director.

[F.R. Doc. 68-10556; Filed, Aug. 30, 1968; 8:48 a.m.]

Office of the Secretary

WILTON I. MARTIN

Report of Appointment and Statement of Financial Interests

AUGUST 26, 1968.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Wilton I. Martin.

Name of employing agency: Office of Oil and Gas, U.S. Department of the Interior.

The title of the appointee's position: Regional Administrator, Emergency Petroleum and Gas Administration, Region 8.

The name of the appointee's private employer or employees: Union Oil Co. of California.

The statement of "financial interests" for the above appointee is enclosed.

DAVID S. BLACK,
Acting Secretary of the Interior.

AUGUST 13, 1968.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on August 22, 1968, as Regional Administrator, Region 8, Emergency Petroleum and Gas Administration an officer or director:

Pacific Coast Hemphill Oil Co., president and director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Union Oil Co. of California, division sales manager, salary and bonus.
Union Oil Co. of California, stock.
American Life & Casualty Insurance Co., stock.
Canadian Superior Oil Co., stock.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

W. I. MARTIN.

AUGUST 22, 1968.

[F.R. Doc. 68-10542; Filed, Aug. 30, 1968; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

REGISTERED RESEARCH FACILITIES UNDER THE LABORATORY ANIMAL WELFARE ACT

List of Research Facilities

Pursuant to § 2.127 of the regulations (9 CFR 2.127) under the Act of August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), commonly known as the Laboratory Animal Welfare Act, notice is hereby given that, as of August 15, 1968, the following research facilities were registered under said Act and regulations as indicated below:

ALABAMA

Auburn University, Auburn 36830.
Mobile General Hospital, 2451 Fillingim Street, Mobile 36617.
Southern Research Institute, 2000 Ninth Avenue South, Birmingham 35205.
Tuskegee Institute, Tuskegee Institute 36088.
University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham 35233.

ARIZONA

Animal Resource Center, Arizona State University, Room 236, Tempe 85281.
Barrow Neurological Institute of St. Joseph's Hospital, 350 West Thomas Road, Phoenix 85013.
University of Arizona, Tucson 85721.

ARKANSAS

Animal Behavior Enterprises, Inc., Hot Springs 71901.
University of Arkansas, Fayetteville 72701.
University of Arkansas Medical Center, 4301 West Markham, Little Rock 72205.

CALIFORNIA

Attending Staff Association, Los Angeles County Harbor General Hospital, 1000 West Carson Street, Torrance 90509.
Attending Staff Association of the Rancho Los Amigos Hospital, Inc., 12826 Hawthorne Street, Downey 90242.
Bruce Lyon Memorial Research Laboratory, Children's Hospital Medical Center of North California, 51st and Grove Streets, Oakland 94609.
California Institute of Technology, Division of Biology, 1201 East California, Pasadena 91109.
Cedars-Sinai Medical Center, Cedars-Sinai Medical Research Institute, 4833 Fountain Avenue, Los Angeles 90029.

CALIFORNIA

Children's Hospital of Los Angeles, 4650 Sunset Boulevard, Los Angeles 90027.
City of Hope Medical Center, 1500 East Duarte Road, Duarte 91010.
Cutter Laboratories, Inc., Fourth and Parker Streets, Berkeley 94710.
Epoxylite Research and Development Center, The Epoxylite Corp., 1428 North Tyler Avenue, South El Monte 91733.
Experimental Surgery, St. Mary's Hospital Medical Center, 2200 Hayes Street, San Francisco 94117.
Experimental Surgical Laboratory, Children's Hospital & Adult Medical Center of San Francisco, 3700 California Street, San Francisco 94119.
Institute for Medical Research of Santa Clara County, 751 South Bascom Avenue, San Jose 95128.
Institute of Medical Sciences, 2361 Clay Street, San Francisco 94115.
Lockheed Missiles & Space Co., a group division of Lockheed Aircraft Corp., Biotechnology Department 55/60, Biological Sciences Research Laboratories, 3251 Hanover Street, Palo Alto 94304.
Loma Linda University, Loma Linda 92354.
Memorial Hospital of Long Beach, 2801 Atlantic Avenue, Long Beach 90806.
Morse Laboratories, 316 16th Street, Sacramento 95814.
Mount Zion Hospital & Medical Center, 1600 Divisadero Street, San Francisco 94115.
National Institute of Scientific Research, 12330 Santa Monica Boulevard, Los Angeles 90025.
North American Aviation, Inc., Autonetics Division, 805 North Lapham Street, El Segundo 90245.
Olive View Hospital, Olive View 91330.
Palo Alto Medical Research Foundation, 860 Bryant Street, Palo Alto 94301.
Pasadena Foundation for Medical Research, 99 North El Molino Avenue, Pasadena 19901.
Pasadena Hospital Association, Ltd., Operating the Institute of Medical Research, 734 Fairmount Avenue, Pasadena 91105.
Research & Education Foundation Medical Center, Attending Staff of Orange County, 101 Manchester Avenue, Orange 92668.
Research Foundation at Saint Joseph Hospital in Burbank, Buena Vista at Alameda, Burbank 91503.
Sansum Clinic Research Foundation, 2219 Bath Street, Santa Barbara 93102.
Scripps Clinic & Research Foundation, 476 Prospect Street, La Jolla 92037.
Shell Development Co., AR Division, Post Office Box 3011, Modesto 95353.
Sonoma State Hospital, Eldridge 95431.
Stanford Research Institute, 333 Ravenswood Avenue, Menlo Park 94025.
Stanford University School of Medicine, 300 Pasteur Drive, Palo Alto 94304.
State of California Department of Public Health, 2151 Berkeley Way, Berkeley 94704.
Stauffer Chemical Co., 1200 South 47th Street, Richmond 94804.
Surgical Research Laboratory, White Memorial Medical Center, 1720 Brooklyn Avenue, Los Angeles 90033.
Sutter Community Hospital of Sacramento, 2820 L Street, Sacramento 95816.
Syntex Corporation Research Division, 3401 Hillview Avenue, Palo Alto 94304.
The California State Colleges, Office of the Chancellor, 5670 Wilshire Boulevard, Los Angeles 90036.
The Hine Laboratories, Inc., 1099 Folsom Street, San Francisco 94103.
The Regents of the University of California, University Hall, Berkeley 94720.
United States Laboratories, Inc., 2900 Glascock Street, Oakland 94601.
University of Southern California, Department of Vivaria, 2025 Zonal Avenue, Los Angeles 90033.
Valley Veterinary Hospital, 554 Ygnacio Valley Road, Walnut Creek 94596.

COLORADO

Colorado State University, Fort Collins 80521.
National Jewish Hospital, Division of Research, 3800 East Colfax Avenue, Denver 80206.
University of Colorado Medical Center, Animal Headquarters, 4200 East Ninth Street, Denver 80220.
University of Colorado School of Pharmacy, Boulder 80302.

CONNECTICUT

Connecticut College, Department of Psychology, New London 06320.
Hamilton Standard Division of United Aircraft Corp., Biomedical Systems Department, Attn.: Mr. Earl K. Moore, Windsor Locks 06096.
Hartford Hospital, 80 Seymour Street, Hartford 06115.
Saint Francis Hospital Research Laboratory, 114 Woodland Street, Hartford 06105.
Saint Vincent's Hospital, 2820 Main Street, Bridgeport 06606.
The Hospital of St. Raphael, 1450 Chapel Street, New Haven 06511.
The John B. Pierce Foundation of Connecticut, Inc., 290 Congress Avenue, New Haven 06519.
The University of Connecticut, Storrs 06268.
Yale University School of Medicine, 333 Cedar Street, New Haven 06510.

DELAWARE

Atlas Chemical Industries, Inc., Bio-Medical Research Department, Concord Pike and New Murphy Road, Wilmington 19899.
Delaware Poultry Laboratories, Inc., DuPont Highway, Millsboro 19966.
E. I. Du Pont De Nemours & Co., Haskell Laboratory for Toxicology & Industrial Medicine, Elkton Road, Newark 19711.
Stine Laboratory, E. I. Du Pont De Nemours & Co., Post Office Box 30, Newark 19711.

DISTRICT OF COLUMBIA

Children's Hospital of the District of Columbia, Research Foundation, 2125 13th Street NW., Washington, 20009.
Georgetown University, Animal Care Facility, 3900 Reservoir Road NW., Washington, 20007.
George Washington University, Washington, 20006.
Jackson Laboratories, 2612 28th Street NE., Washington, 20018.
National Canners Association, Research Laboratory, 1133 20th Street NW., Washington 20036.
Washington Hospital Center, George Hyman Memorial Research Building, 110 Irving Street NW., Washington, 20010.

FLORIDA

Bigger's Small Animal Hospital, 2833 South Fourth Street, Fort Pierce 33450.
Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Florida State University, Tallahassee 32306.
Institute of Food and Agriculture Sciences, University of Florida, Gainesville 32601.
J. Hillis Miller Health Center and College of Medicine, Gainesville 32601.
Mount Sinai Hospital Research Laboratory, 4300 Alton Road, Miami Beach 33140.
University of Florida, Office of the President, Gainesville 32601.
University of Miami, Coral Gables 33124.

GEORGIA

Emory University School of Medicine, Atlanta 30322.
The Ferst Research Center, Piedmont Hospital, 1968 Peachtree Road NW., Atlanta 30309.
Medical College at Georgia, Augusta 30902.
Mercer University, Southern School of Pharmacy, 223 Walton Street NW., Atlanta 30303.
University of Georgia, Athens 30601.

HAWAII

The Zaret Foundation, Inc., Hawaiian Division, Room 206, 205 South Vineyard Street, Honolulu 96813.

IDAHO

Idaho State University, Pocatello 83201.

ILLINOIS

Abbott Laboratories, 1400 Sheridan Road, North Chicago 60064.
Argonne National Laboratory, 9700 South Cass Avenue, Argonne 60439.
Armour Pharmaceutical Co., Post Office Box 511, Kankakee 60901.

Arnar-Stone Laboratories, 601 East Kensington Road, Mount Prospect 60056.
Chicago College of Osteopathy, 1122 East 53d Street, Chicago 60615.
The Chicago Medical School, 710 South Wolcott Avenue, Chicago 60612.
Children's Memorial Hospital, 2300 Children's Plaza, Chicago 60614.
Cook County Graduate School of Medicine, 707 South Wood Street, Chicago 60612.
Edgewater Hospital, Research Laboratory, 5700 North Ashland, Chicago 60626.
Evanston Hospital, Research Laboratories, 2650 Ridge Avenue, Evanston 60201.
Galesburg State Research Hospital, Galesburg 61401.
General Foods Corp., c/o Gaines Research Kennels, Rural Route 3, St. Anne 60964.
George Williams College, division of Natural Science, 555 31st Street, Downers Grove 60515.
John A. Hartford Foundation, Hyperbaric Oxygen Unit, Lutheran General Hospital, 1775 Dempster, Park Ridge 60068.
Hektoen Institute for Medical Research of the Cook County Hospital, 627 South Wood Street, Chicago 60612.
IIT Research Institute, 10 West 35th Street, Chicago 60616.
Illinois Institute of Technology, 3300 South Federal Street, Chicago 60616.
Illinois State University, Normal 61761.
Industrial Bio-Test Laboratories, Inc., 1810 Frontage Road, Northbrook 60062.
Institute for Bio-Medical Research, American Medical Association, 535 North Dearborn Street, Chicago 60610.
Interscience Research Institute, Post Office Box 2580, Station A, Interstate Research Park, Champaign 61824.
Kendall Research Center, 411 Lake Zurich Road, Barrington 60010.
Lifestream Laboratories, Inc., Post Office Box 524, Libertyville 60048.
Loyola University, Stritch School of Medicine, Animal Care Department, 706 South Wolcott Avenue, Chicago 60612.
Michael Reese Hospital and Medical Center, 29th and Ellis, Chicago 60616.
Mount Sinai Hospital Medical Center, California Avenue at 15th Street, Chicago 60608.
National Dairy Products Corp., Research Farm, Box 143, Danville 61832.
Neisler Laboratories, Inc., Toxicology-Biochemistry Division, 1800 East Pershing, Decatur 62525.
Northwestern University, 619 Clark Street, Evanston 60201.
Nelson M. Percy Medical Research Foundation, Augustana Hospital, 411 West Dickens, Chicago 60614.
Presbyterian-St. Luke's Hospital, Animal Research Facility, 1753 West Congress Parkway, Chicago 60612.
Rosner-Hixson Laboratories, Division of Artnell Co., Inc., 7737 South Chicago Avenue, Chicago 60619.
St. Francis Hospital, Surgical Research Department, 355 Ridge Avenue, Evanston 60202.
St. John's Hospital Research Laboratories, 1111 North Lincoln Street, Springfield 62702.
G. D. Searle & Co., Box 5110, Chicago 60680.
Southern Illinois University, Carbondale 62901.
The Suburban Cook County Tuberculosis Sanitarium District, 55th and County Line Road, Hinsdale 60521.
Thompson Research Foundation, Route 1, Box 97, Monee 60449.
Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove 60053.
The University of Chicago, 950 East 59th Street, Chicago 60637.
University of Illinois, Urbana 61801.
University of Illinois at Chicago Circle, 2833 University Hall, Chicago 60680.
University of Illinois at the Medical Center, 833 South Wood Street, Chicago 60612.
Wilson & Co., Inc., Research & Technical Division, 4200 South Marshfield Avenue, Chicago 60609.
Wilson Laboratories, division of Wilson, Pharmaceutical & Chemical Corp., 4221 South Western Boulevard, Chicago 60609.

INDIANA

Central Soya Co., Inc., Research, Feed Division, Decatur 46733.
Earlham College, Richmond 47374.
Eli Lilly & Co., 740 South Alabama, Indianapolis 46206.
Indiana University, Bloomington 47401.
Mead Johnson & Co., Mead Johnson Research Center, 2404 Pennsylvania Avenue, Evansville 47721.
Miles Laboratories, Inc., Therapeutics Research Laboratory, Elkhart 46514.
Purdue University, Purdue Research Foundation, Lafayette 47907.

IOWA

College of Osteopathic Medicine & Surgery, 720 Sixth Avenue, Des Moines 50309.
Diamond Laboratories, Inc., Post Office Box 863, Des Moines 50304.
Drake University, Des Moines 50311.
Iowa Methodist Hospital, Raymond Blank Memorial Hospital for Children, Younker Memorial Rehabilitation Center, 1200 Pleasant Street, Des Moines 50308.
Iowa State University, Ames 50010.
University of Iowa, Iowa City 52240.

KANSAS

Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City 64120.
Haver-Lockhart Laboratories, Post Office Box 390, Shawnee Mission 66201.
Jensen-Salsbery Laboratories, 520 West 21st Street, Kansas City 64141.
Laboratory Animal Care Committee, Kansas State University, Manhattan 66502.
National Laboratories, 1722 Main Street, Kansas City 64108.
The University of Kansas, Lawrence 66044.
University of Kansas Medical Center and School of Medicine, Rainbow Boulevard at 39th Street, Kansas City 66103.

KENTUCKY

University of Kentucky, Lexington 40506
University of Louisville, School of Medicine, 101 West Chestnut, Louisville 40202

LOUISIANA

Alton Ochsner Medical Foundation, Division of Research, 1520 Jefferson Highway, New Orleans 70121.
Gulf South Research Institute, Post Office Box 1177, New Iberia 70560.
Louisana State University System, Baton Rouge 70803.
Loyola School of Dentistry, Pharmacology Department, 6363 St. Charles Avenue, New Orleans 70118.
Touro Research Institute, 1400 Foucher Street, New Orleans 70115.
Tulane University, New Orleans 70118.

MAINE

The Jackson Laboratory, Bar Harbor 04609.
Maine Medical Center, 22 Bramhall Street, Portland 04102.

MARYLAND

Baltimore City Hospitals, Surgical Research Laboratories, 4940 Eastern Avenue, Baltimore 21224.
Eastawai Research Laboratory, 234 East 25th Street, Baltimore 21218.
Eye Research Foundation of Bethesda, 8710 Old Georgetown Road, Bethesda 20014.
Flow Laboratories, Inc., 12601 Twinbrook Parkway, Rockville 20852.
Hittman Associates, Inc., Post Office Box 810, Columbia 21043.
Huntington Research Center, Box 6857, Baltimore 21204.
The Johns Hopkins University, 34th and Charles Street, Baltimore 21218.
Mercy Hospital, Inc., Department of Surgery, 301 St. Paul Place, Baltimore 21201.
Microbiological Associates, Inc., 4733 Bethesda Avenue, Bethesda 20014.
Sacred Heart Hospital, 900 Seton Drive, Cumberland 21502.
St. Joseph Hospital, Research Laboratory, 7620 York Road, Baltimore 21204.
Sinai Hospital of Baltimore, Inc., Belvedere Avenue at Greenspring, Baltimore 21215.
University of Maryland, Baltimore City Campus, Baltimore 21201.
University of Maryland, College Park 20742.

MASSACHUSETTS

Astra Pharmaceutical Products, Inc., 7½ Neponset Street, Worcester 01606.
Avco Everett Research Laboratory, 2385 Revere Beach Parkway, Everett 02149.
Beth Israel Hospital Animal Unit, 330 Brookline Avenue, Boston 02215.
Boston University, 705 Commonwealth Avenue, Boston 02215.
Carney Hospital Research Laboratory, 2100 Dorchester Avenue, Boston 02124.
Children's Cancer Research Foundation, 35 Binney Street, Boston 02115.
Children's Hospital Medical Center, 300 Longwood Avenue, Boston 02115.
Clark University, 950 Main Street, Worcester 01610.
Harvard University, Cambridge 02138.
Howe Laboratory of Opthalmology, Harvard University Medical School, Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston 02114.
Lahey Clinic Foundation, 605 Commonwealth Avenue, Boston 02215.
Lemuel Shattuck Hospital, Department of Research, 170 Morton Street, Jamaica Plain 02130.
Arthur D. Little, Inc., 25 Acorn Park, Cambridge 02140.
Mason Research Institute, Inc., 21 Harvard Street, Worcester 01608.
Massachusetts College of Pharmacy, 179 Longwood Avenue, Boston 02115.
Masachusetts Eye and Ear Infirmary, 243 Charles Street, Boston 02114.
Massachusetts General Hospital, Boston 02114.
Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge 02139.
The Memorial Hospital Research Laboratory, 119 Belmont Street, Worcester 01605.
NEN Biomedical Assay Laboratories, 615 Albany Street, Boston 02118.
New England Medical Center Hospitals, 171 Harrison Avenue, Boston 02111.
Northeastern University, 360 Huntington Avenue, Boston 02115.
Peter Bent Brigham Hospital, 721 Huntington Avenue, Boston 02115.
Retina Foundation, Institute of Biological and Medical Sciences, 20 Staniford Street, Boston 02114.
St. Elizabeth's Hospital, Department of Research, 736 Cambridge Street, Brighton 02135.
St. Vincent Hospital, 25 Winthrop Street, Worcester 01610.
Sears Surgical Laboratory, Boston City Hospital, 818 Harrison Avenue, Boston 02118.
Thermo Electron Corp., 85 First Avenue, Waltham 02154.
Tufts University School of Medicine, 136 Harrison Avenue, Boston 02111.
Worcester Foundation for Experimental Biology, 222 Maple Avenue, Shrewsbury 01545.

MICHIGAN

Albion College, Albion 49224.
Animal Care Facility, Wayne State University, Detroit 48202.
Blodget Memorial Hospital, 1840 Wealthy SE., Grand Rapids 49506.
Bureau of Laboratories, Michigan Department of Public Health, 3500 North Logan, Lansing 48914.
Butterworth Hospital, 100 Michigan NE., Grand Rapids 49503.
Detroit Memorial Hospital, Unit of Det. Macomb Hospital Association, 1420 St. Antoine, Detroit 48226.
Detroit Osteopathic Hospital, 12523 Third Avenue, Detroit 48203.
The Dow Chemical Co., Midland 48640.
Ferris State College, Big Rapids 49307.
Flint Osteopathic Hospital, Department of Pathology, 3921 Beecher Road, Flint 48502.
W. D. Fryfogle Medical Research Laboratory, 715 Northland, Mile Medical Building, 15901 West 9 Mile Road, Southfield 48075.
Henry Ford Hospital and Edsel B. Ford Institute for Medical Research, 2799 West Grand Boulevard, Detroit 48202.
Hurley Hospital Research Facilities, Sixth Avenue and Begole, Flint 48502.
Ingham Medical Hospital, 401 West Greenlawn, Lansing 48910.
International Research & Development Corp., 900 Main Street, Mattawan 49071.
Lafayette Clinic, 951 East Lafayette, Detroit 48207.
Michigan State University, 1270 Giltner Hall, East Lansing 48823.
Mount Carmel Mercy Hospital, Animal Research Laboratory, 6071 West Outer Drive, Detroit 48235.
Northern Michigan University, Marquette 49855.
Parke, Davis & Co., G.P.O. Box 118, Detroit 48232.
Pontiac Medical Science Laboratories, Inc., 140 Elizabeth Lake Road, Pontiac 48053.
Providence Hospital, 16001 Nine Mile Road, Southfield 48075.
Riverside Osteopathic Hospital, 150 Truax Street, Trenton 48183.
St. Joseph Mercy Hospital, Research Laboratory, 326 North Ingalls, Ann Arbor 48104.
Sinai Hospital of Detroit, division of Research, 6767 West Outer Drive, Detroit 48235.
Space/Defense Corp., 1600 North Woodward, Birmingham 48011.
University of Detroit, School of Dentistry, 2985 East Jefferson, Detroit 48207.
University of Michigan, Ann Arbor 48104.
The Upjohn Co., 301 Henrietta Street, Kalamazoo 49001.
Wayne County General Hospital, Eloise 48132.

MINNESOTA

Kallestad Laboratories, Inc., 4005 Vernon Avenue, Minneapolis 55416.
Mayo Foundation, 200 First Street SW., Rochester 55901.
Minneapolis Medical Research Foundation, Inc., Hennepin County General Hospital, 619 South Fifth Street, Minneapolis 55415.
Minnesota Mining & Manufacturing Co., Central Research Laboratories, 2301 Hudson Road, St. Paul 55101.
Mount Sinai Hospital, 22d and Chicago Avenue, Minneapolis 55404.
North Star Research & Development Institute, 3100 38th Avenue South, Minneapolis 55406.
St. Joseph's Research Laboratory, 69 West Exchange Street, St. Paul 55102.
St. Mary's Hospital, Research Laboratory, 2414 South Seventh Street, Minneapolis 55406.
St. Paul-Ramsey Hospital, 640 Jackson Street, Saint Paul 55101.
University of Minnesota, Minneapolis 55455.

MISSISSIPPI

University of Mississippi Medical Center, 2500 North State Street, Jackson 39216.

MISSOURI

The Children's Mercy Hospital, 1710 Independence Avenue, Kansas City 64106.
The Curators of the University of Missouri, Columbia 65201.
Institute of Medical Education and Research, 1605 South 14th Street, St. Louis 63104.
The Jewish Hospital of St. Louis, 216 South Kingshighway Boulevard, St. Louis 63110.
Kansas City General Hospital & Medical Center, Research Animal Care Unit, 24th and Cherry Streets, Kansas City 64108.
Kirksville College of Osteopathy and Surgery, Kirksville 63501.
Mallinckrodt Chemical Works, Second and Mallinckrodt Streets, St. Louis 63160.
Midwest Research Institute, 425 Volker Boulevard, Kansas City 64114.
Missouri Institute of Psychiatry, 5400 Arsenal Street, St. Louis 63139.
Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph 64502.
Ralston Purina Co., 835 South Sixth Street, St. Louis 63199.
Saint John's Mercy Hospital, Research Laboratory, 621 South New Ballas Road, St. Louis 63141.
Saint Louis College of Pharmacy, 4588 Parkview Place, St. Louis 63110.
Saint Louis University, 1402 South Grand Avenue, St. Louis 63104.
Scientific Associates, Inc., 6200 South Lindbergh, St. Louis 63123.
Washington University, Lindell and Skinker Boulevards, St. Louis 63130

MONTANA

University of Montana, Missoula 59801.

NEBRASKA

The Creighton University, School of Medicine, 657 North 27th Street, Omaha 68131.
Dellen, Inc., 2704 North 84th Street, Omaha 68134.
Elanco Products Co., 1124 Harney Street, Omaha 68102.
Harris Laboratories, Inc., 624 Peach Street, Post Office Box 427, Lincoln 68501.
University of Nebraska, 14th and R Streets, Lincoln 68508.

NEW HAMPSHIRE

Animal Research Facilities, Dartmouth Medical School, Medical Science Building, Hanover 03755.

NEW JERSEY

AME Associates, Post Office Box 57, Princeton 08540
Bio/dynamics, Inc., Post Office Box 43, East Millstone 08873.
Biological Science Laboratories, Foster D. Snell, Inc., 800 Dowd Avenue, Elizabeth 07021.
Bristol-Meyers Products, 225 Long Avenue, Hillside 07205.
Campbell Soup Co., Research Institute, 375 Memorial Avenue, Camden 08101.
CIBA Pharmaceutical Co., Division of CIBA Corp., 556 Morris Avenue, Summit 07901.
Colgate-Palmolive Co., 909 River Road, Piscataway 08854.
Cyanamid Foundation for Agricultural Development, Post Office Box 400, Princeton 08540.
Division of Laboratories, New Jersey Department of Health, Box 1540, Trenton 08625.
Ethicon Research Foundation, U.S. Highway 22, Somerville 08876.
Fairleigh Dickinson University, Dental Research Building, 1000 River Road, Teaneck 07666.
Hackensack Hospital, Cardio Pulmonary, Animal Laboratory, Hospital Place, Hackensack 07601.
Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley 07110.
Hospital Center at Orange, Cardiac Research Laboratory, 188 South Essex Avenue, Orange 07051.
Johnson & Johnson Research Foundation, Route 1, New Brunswick 08903.
K–G Laboratories, Inc., 3651 Hill Road, Parsippany 07054.
Leberco Laboratories, 123 Hawthorne Street, Rosell Park 07204.
Merck & Co., Inc., 126 East Lincoln Avenue, Rahway 07065.
Middlesex General Hospital, 180 Somerset Street, New Brunswick 08901.
Monmouth Medical Center, Department of Physiology & Clinical Research, 3d and Pavilion Avenues, Long Branch 07740.
Newark Beth Israel Hospital, 201 Lyons Avenue, Newark 07112.
New Jersey College of Medicine and Dentistry, 24 Baldwin Avenue, Jersey City 07306.
New Jersey Mental Health Research & Development Fund, Post Office Box 25, Skillman 08558.
Ortho Research Institute, U.S. Highway 202, Raritan 08869.
Passaic General Hospital, Research Laboratory, 350 Boulevard, Passaic 07055.
Rutgers, The State University, New Brunswick 08903.
St. Barnabas Medical Center, Old Short Hills Road, Livingston 07039.
St. Michael Hospital, Research Laboratory, 306 High Street, Newark 07102.
Sandoz Pharmaceuticals, division of Sandoz, Inc., Research Department, Hanover 07936.
Schering Corp., 60 Orange Street, Bloomfield 07003.
Smith, Miller & Patch, 401 Joyce Kilmer Avenue, New Brunswick 08902.
South Mountain Laboratories, Inc., 487 Valley Street, Maplewood 07040.
E. R. Squibb & Sons, Inc., 745 Fifth Avenue, New York 10022, and New Brunswick, N.J. 08903.
The Trustees of Princeton University, Office of Research & Project Administration, New South Building, Princeton 08540.
Warner-Lambert Research Institute, 170 Tabor Road, Morris Plains 07950.
Wells Laboratories, Inc., 25–27 Lewis Avenue, Jersey City 07306.

NEW MEXICO

Los Alamos Scientific Laboratory, Post Office Box 1663, Los Alamos 87544.
The Lovelace Foundation for Medical Education and Research, 5200 Gibson Boulevard SE., Albuquerque 87108.
The University of New Mexico, Albuquerque 87106.

NEW YORK

Agway Research Laboratory, 777 Warren Road, Ithaca 14850.
Albany Medical College, 47 New Scotland Avenue, Albany 12208.
American Cyanimid Co., Lederle Laboratories Division, North Middletown Road, Pearl River 10965.
Beth Israel Medical Center, 10 Nathan D. Perlman Place, New York 10003.
Biochemex Laboratories, Inc., 1271 Hempstead Turnpike, Elmont, N.Y. 11003.
Booth Memorial Hospital, Main Street at Booth Memorial Avenue, Flushing 11355.
Bristol Laboratories, Division of Bristol-Myers Co., Post Office Box 657, Syracuse 13201.
Brooklyn College of Pharmacy, 600 Lafayette Avenue, Brooklyn 11216.

Burroughs Wellcome & Co. (USA), Inc., Wellcome Research Laboratories, 1 Scarsdale Road, Tuckahoe 10707.
Carter-Wallace, Inc., 2 Park Avenue, New York 10016.
Chas. Pfizer & Co., Inc., 235 East 42d Street, New York 10017.
Cornell University, Ithaca 14850.
Cornell University Medical College, 1300 York Avenue, New York 10021.
E. J. Meyer Memorial Hospital, 462 Grider Street, Buffalo 14215.
Endo Laboratories, 1000 Stewart Avenue, Garden City 11533.
Food & Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth 11378.
Geigy Chemical Corp., Geigy Research Division, Ardsley 10502.
Grasslands Hospital, Valhalla 10595.
Health Research, Inc., 84 Holland Avenue, Albany 12208
Heart Lung Laboratory at Wilson Memorial Hospital, Johnson City 13790.
Institute for Muscle Disease, Inc., 515 East 71st Street, New York 10021.
Isaac Albert Research Institute, Jewish Chronic Disease Hospital, 86 East 49th Street, Brooklyn 11203.
Jewish Hospital and Medical Center of Brooklyn, 555 Prospect Place, Brooklyn 11238.
Lenox Hill Hospital, 100 East 77th Street, New York 10021.
Maimonides Medical Center, 4802 10th Avenue, Brooklyn 11219.
Manhattan Eye, Ear, and Throat Hospital, 210 East 64th Street, New York 10021.
Masonic Medical Research Laboratory, Bleecker Street, Utica 13501.
Millard Fillmore Hospital, 3 Gates Circle, Buffalo, 14209.
Misericordia Hospital, 600 East 233d Street, Bronx 10466.
Montefiore Hospital & Medical Center, 111 East 210 Street, Bronx 10467.
Nassau Hospital, First Street, Mineola 11501.
Neisler Laboratories, Inc., Sterling Forest Research Center, Post Office Box 433, Tuxedo 10987.
New York Medical College, Fifth Avenue at 106th Street, New York 10029.
New York State Department of Mental Hygiene, Office of Research, 44 Holland Avenue, Albany 12208.
New York State Health Department, division of Laboratories and Research, New Scotland Avenue, Albany 12201.
North Shore Hospital, Valley Road, Manhasset, Long Island 11030.
Queens Hospital Center, 82–68 164th Street, Jamaica 11432.
Rensselaer Polytechnic Institute, Troy 12181.
Research Institute for Skeletomuscular Disease of the Hospital for Joint Disease & Medical Center, 1919 Madison Avenue, New York 10035.
Revlon Research Center, Inc., 945 Zerega Avenue, Bronx 10473.
Richardson-Merrell, Inc., 122 East 42d Street, New York 10017.
St. Barnabas Hospital, 183d Street and Third Avenue, Bronx 10457.
St. Luke's Hospital Center, Amsterdam Avenue at West 114th Street, New York 10025.
St. Vincent's Hospital and Medical Center of New York, 153 West 11th Street, New York 10011.
Sisters of Charity Hospital, 2157 Main Street, Buffalo 14214.
Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York 10021.
South Shore Analytical & Research Laboratories, Inc., 148 Islip Avenue, Islip 11751.
Sterling-Winthrop Research Institute, division of Sterling Drug, Inc., Columbia Turnpike, Rensselaer 12144.
Strasenburgh Laboratories, 755 Jefferson Road, Rochester 14623.
Syracuse University, 261 Marshall Street, Syracuse 13210.
The American Museum of Natural History, Central Avenue West at 79th Street, New York 10024.
The Animal Medical Center, 510 East 62d Street, New York 10021.
The Bronx-Lebanon Hospital Center, 1276 Fulton Avenue, Bronx 10456.
The Brookdale Hospital Center, Brookdale Plaza, Brooklyn 11212.
The Brooklyn Hospital, 121 DeKalb Avenue, Brooklyn 11201.
The Buffalo General Hospital, 100 High Street, Buffalo 14203.
The L. G. H. Laboratory, Mercy Hospital Association, 1000 North Village Avenue, Rockville Centre 11570.
The Long Island College Hospital, 340 Henry Street, Brooklyn 11201.
The Mary Imogene Bassett Hospital, Atwell Road, Cooperstown 13326.
The Medical Foundation of Buffalo, 73 High Street, Buffalo 14203.
The Norwich Pharmacal Co., Post Office Box 191, Norwich 13815.
The Rockefeller University, York Avenue at 66th Street, New York 10021.
The Roosevelt Hospital, 428 West 59th Street, New York 10019.
The Trustees of Columbia University in the City of New York, Box 20, Lowe Memorial Library, New York 10027.
University of Rochester, River Boulevard, Rochester 14627.
USV Pharmaceutical Corp., division of Pharmacology, 26 Vark Street, Yonkers 10701.
Waldemar Medical Research Foundation, Sunnyside Boulevard, Woodbury 11797.
Yeshiva University, 55 Fifth Avenue, New York 10003.

NORTH CAROLINA

Behavior Systems, Inc., 2008 Hillsboro Street, Raleigh 27607.
Duke University, Durham 27706.
North Carolina State University at Raleigh, Raleigh 27607.
Research Triangle Institute, Post Office Box 12194, Research Triangle Park 27709.
University of North Carolina, Chapel Hill 27514.
University of North Carolina at Charlotte, Department of Biology, Charlotte 28205.
Wake Forest University, Winston-Salem 27109.

NORTH DAKOTA

North Dakota State University of Agriculture and Applied Science, Fargo 58102.
University of North Dakota, Grand Forks 58201.

OHIO

Akron City Hospital, 525 East Market Street, Akron 44309.
Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus 43201.
Bio/Toxicological Research Associates, Division of Acres, Inc., 553 North Broadway Street, Spencerville 45887.
Bowling Green State University, Bowling Green 43402.
Case Western Reserve University, University Circle, Cleveland 44106.
The Children's Hospital Research Foundation, Elland Avenue and Bethesda, Cincinnati 45229.
Children's Hospital Research Foundation, 561 South 17th Street, Columbus 43205.
The Cleveland Clinic Foundation, 2020 East 93d Street, Cleveland 44120.
Cleveland Metropolitan General Hospital, 3395 Scranton Road, Cleveland 44109.
Cleveland Psychiatric Institute, 1708 Aiken Avenue, Cleveland 44109.
Cox Coronary Heart Institute, 3525 Southern Boulevard, Kettering 45429.
Fairview General Hospital, 18101 Lorain Avenue, Cleveland 44111.
Fels Research Institute, Yellow Springs 45387.
Good Samaritan Hospital, Animal Research Laboratory, 3217 Clifton Avenue, Cincinnati 45220.
Highland View Hospital, 3901 Ireland Drive, Cleveland 44122.
Hill Top Research, Inc., Miamiville 45147.
Hoechst Pharmaceutical Co., division of American Hoechst Corp., 1385 Tennessee Avenue, Cincinnati 45229.
Institute of the Medical Research of the Toledo Hospital, 2805 Oatis Avenue, Toledo 43606.
Kent State University, Kent 44240.
Miami University, Office of the President, Oxford 45056.
Mt. Sinai Hospital, University Circle, Cleveland 44106.
Oberlin College, Department of Psychology, Oberlin 44074.
The Ohio State University, 190 North Oval Drive, Columbus 43210.
Proctor & Gamble Co., Post Office Box 39175, Cincinnati 45239.
Riverside Methodist Hospital, Medical Research Foundation, 3535 Olentangy River Road, Columbus 43214.
St. Joseph's Hospital, Research Laboratory, West 20th Street and Broadway, Lorain 44052.
St. Luke's Hospital Association of Cleveland of the Methodist Church, 11311 Shaker Boulevard, Cleveland 44104.
St. Vincent Charity Hospital, Research Division, 2351 East 22d Street, Cleveland 44115.
The University of Akron, Akron 44304.
University of Cincinnati, Clifton Avenue, Cincinnati 45221.

OKLAHOMA

Oklahoma City University, 2501 North Blackwelder, Oklahoma City 73106.
Oklahoma Medical Research Foundation, 825 Northeast 13th Street, Oklahoma City 73104.
Oklahoma State University of Agriculture and Applied Science, Stillwater 74074.
Southwestern State College, Weatherford 73096.
University of Oklahoma Medical Center, University of Oklahoma Medical School, 800 Northeast 13th Street, Oklahoma City 73104.

OREGON

E. Laboratories, 1954 Northwest Pettygrove, Portland 97209.
Neurophysiology Research Laboratory, 1015 Northwest 22d Avenue, Portland 97210.
Optometry Department, Pacific University, Forest Grove 97116.
Oregon State University, Corvallis 97331.
Portland State College, Post Office Box 751, Portland 97207.
University of Oregon Dental School, 611 Southwest Campus Drive, Portland 97201.
University of Oregon Medical School, 3181 Southwest Sam Jackson Park Road, Portland 97201.

PENNSYLVANIA

Albert Einstein Medical Center, York and Tabor Roads, Philadelphia 19141.
Allegheny General Hospital, 320 East North Avenue, Pittsburgh 15212.
American Electronic Laboratories, Inc., Post Office Box 552, Lansdale 19446.
Carnegie-Mellon University, 4400 Fifth Avenue, Pittsburgh 15213.
The Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia 19146.
The Contributors to the Pennsylvania Hospital, Eighth and Spruce Streets, Philadelphia 19107.

Donald Guthrie Foundation for Medical Research, 200 South Wilbur Avenue, Sayre 18840.
Drexel Institute of Technology, 32d and Chestnut Streets, Philadelphia 19104.
Duquesne University of the Holy Ghost, Pittsburgh 15219.
Eastern Pennsylvania Psychiatric Institution, Henry Avenue and Abbotsford, Philadelphia 19129.
The Hahnemann Medical College and Hospital of Philadelphia, 230 North Broad Street, Philadelphia 19102.
Institute for Medical Education and Research, The Geisinger Medical Center, Danville 17821.
The Jefferson Medical College of Philadelphia, 1025 Walnut Street, Philadelphia 19107.
Lankenau Hospital, division of Research, Lancaster and City Line Avenues, Philadelphia 19151.
LaWall & Harrison Research Laboratories, Inc., 1921 Walnut Street, Philadelphia 19103.
McNeil Laboratories, Inc., Camp Hill Road, Fort Washington 19034.
Mercy Hospital of Pittsburgh, 1400 Locust Street, Pittsburgh 15219.
Montefiore Hospital, 3459 Fifth Avenue, Pittsburgh 15213.
The Pennsylvania State University, 207 Old Main, University Park 16802.
Philadelphia College of Osteopathic Medicine, 48th and Spruce Streets, Philadelphia 19139.
Philadelphia College of Pharmacy & Science, 43d Street and Kingsessing Avenue, Philadelphia 19104.
Philadelphia General Hospital, 34th Street and Civic Center Boulevard, Philadelphia 19104.
Presbyterian-University of Pennsylvania Medical Center, 51 North 39th Street, Philadelphia 19104.
William H. Rorer, Inc., Research Division, 500 Virginia Drive, Fort Washington 19034.
Sacred Heart Hospital, Fourth and Chew Streets, Allentown 18102.
Smith, Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia 19101.
Temple University of the Commonwealth System of Higher Education, Broad and Montgomery Streets, Philadelphia 19122.
University Health Center of Pittsburgh, Scaife Hall of the Health Professions, Terrace and DeSoto Street, Pittsburgh 15213.
University of Pennsylvania, 101 College Hall, Philadelphia 19104.
The Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh 15224.
Westinghouse Electric Corp., Research & Development Center, Beulah Road, Churchill Borough, Pittsburgh 15235.
Women's Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia 19129.
Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia 19101.

PUERTO RICO

Department of Experimental Surgery, School of Medicine, University District Hospital, Caparra Heights 00935.
University of Puerto Rico, School of Medicine and Dentistry, School of Tropical Medicine, San Juan 00904.

RHODE ISLAND

Brown University, Brown Station, 79 Waterman Street, Providence 02912.
The Miriam Hospital, 164 Summit Avenue, Providence 02906.
Our Lady of Fatima Hospital, High Service Avenue, North Providence 02908.
Rhode Island Hospital, 593 Eddy Street, Providence 02903.
University of Rhode Island, Kingston 02881.

SOUTH CAROLINA

Medical College of South Carolina, 80 Barre Street, Charleston 29401.

SOUTH DAKOTA

South Dakota State University, Brookings 57006.
The University of South Dakota, Vermillion 57069.

TENNESSEE

Division of Animal Care, Vanderbilt University, School of Medicine, Station 17, Nashville 37203.
The S. E. Massengill Co., 501 Fifth Street, Bristol 37620.
Meharry Medical College, 1005 18th Avenue, Nashville 37208.
Oak Ridge Associated University, Medical Division, Post Office Box 117, Oak Ridge 37830.
The University of Tennessee, Knoxville 37916.

TEXAS

Alcon Laboratories, Inc., Post Office Box 1959, Fort Worth 76101.
Bandy Laboratories, Inc., Post Office Box 727, Temple 76501.
Baylor University College of Medicine, Texas Medical Center, 1200 Moursund Avenue, Houston 77025.
Baylor University Medical Center, 3500 Gaston Avenue, Dallas 75246.
Callier Hearing & Speech Center, 1966 Inwood Road, Dallas 75235.
College of Veterinary Medicine, Texas A. & M. University, College Station 77843.
Hermann Hospital, Texas Medical Center, Houston 77023.
Pico-Laboratories, Inc., 8222 Broadway, San Antonio 78209.
Psychology Department, University of Texas at Arlington, Arlington 76010.
St. Anthony's Hospital, 735 North Polk Street, Amarillo 79102.
St. Joseph's Hospital, Surgical Research Laboratory, 1919 LaBranch, Houston 77002.
St. Paul Hospital, 5909 Harry Hines, Dallas 75235.
Scott & White Memorial Hospital and Scott, Sherwood, and Brindley Foundation, 2401 South 31st Street, Temple 76501.
Southwest Foundation for Research and Education, Post Office Box 2296, 10000 West Commerce, San Antonio 78206.
Southwest Research Institute, 8500 Culebra Road, San Antonio 78206.
Technology, Inc., Life Sciences Division, 8531 North New Braunfels Avenue, San Antonio 78217.
Texas Research Institute of Mental Sciences, Texas Medical Center, 1300 Moursund, Houston 77025.
Trinity University, 715 Stadium Drive, San Antonio 78212.
University of Houston, 3801 Cullen Boulevard, Houston 77004.
University of Texas, M. D. Anderson Tumor Institute, 6723 Bertner Avenue, Houston 77025.
University of Texas at Austin, Austin 78712.
University of Texas Dental Branch, Post Office Box 20068, Houston 77025.
University of Texas Medical Branch, Galveston 77550.
University of Texas Medical School at San Antonio, 715 Stadium Drive, San Antonio 78212.
University of Texas Southwestern Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas 75235.
Martin J. Wagner, Ph. D., Baylor University College of Dentistry, 800 Hall Street, Dallas 75226.

UTAH

University of Utah, University Avenue at Second Street, Salt Lake City 84112.
Utah State University, Logan 84321.
College of Biological & Agricultural Sciences, Brigham Young University, 106 Heber J. Grant Building, Provo 84601.

VERMONT

University of Vermont & State Agricultural College, Burlington 05401.

VIRGINIA

Bionetics Research Laboratories, Inc., 101 West Jefferson Street, Falls Church 22046.
Hazelton Laboratories, Inc., Post Office Box 30, Falls Church 22046.
Medical College of Virginia, Animal Research Division, 12th and Broad Streets, Richmond 23219.
Melpar, Inc., 7700 Arlington Boulevard, Falls Church 22046.
A. H. Robins Co., Inc., Research Laboratories, 1211 Sherwood Avenue, Richmond 23220.
University of Virginia, Charlottesville 22903.
Virginia Polytechnic Institute, Blacksburg 24061.
Woodard Research Corp., 12310 Pinecrest Road, Post Office Box 405, Herndon 22070.

WASHINGTON

Enzomedic Laboratories, Inc., 126 Southwest 157th, Seattle 981 6.
Pacific Northwest Laboratories, division of Battelle Memorial Institute, Post Office Box 999, Richland 99352.
Pacific Northwest Research Foundation, 1102 Columbia Street, Seattle 98104.
Providence Hospital Research Center, 528 18th Avenue, Seattle 98122.
Virginia Mason Research Center, 1202 Terry Avenue, Seattle 98101.
Vivarium Facility, University of Washington, East 610 Health Sciences Building, Seattle 98105.
Washington State University, Laboratory Animal Units, Pullman 99163.

WEST VIRGINIA

West Virginia University, Morgantown 26506.

WISCONSIN

Allen-Bradley Medical Science Laboratory, 8700 West Wisconsin Avenue, Milwaukee 53226.
Central Wisconsin Colony & Training School, 317 Knutson Drive, Madison 53704.
Colgate-Palmolive Co., Lakeside Laboratories Division, 1707 East North Avenue, Milwaukee 53201.
Marquette University, School of Medicine, 561 North 15th Street, Milwaukee 53233.
The Regents of the University of Wisconsin, 750 University Avenue, Madison 53706.
Wisconsin Alumni Research Foundation, 506 North Walnut, Post Office Box 2037, Madison 53701.

Done at Washington, D.C., this 26th day of August 1968.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 68-10573; Filed, Aug. 30, 1968; 8:49 a.m.]

Packers and Stockyards Administration

CATTLEMEN'S LIVESTOCK MARKET ET AL.

Proposed Posting of Stockyards

The Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921,

as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

Cattlemen's Livestock Market, Galt, Calif.
Dukes Brothers Stockyard, Eden, Md.
Riverside Stockyards, Inc., Monticello, Miss.
Condon's Auction Market, Cherry Creek, N.Y.
Oconee County Livestock Auction, Westminster, S.C.
North Houston Livestock Auction, Houston, Tex.
Palestine Livestock Commission Company, Palestine, Tex.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Acting Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 27th day of August 1968.

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

[F.R. Doc. 68-10579; Filed, Aug. 30, 1968; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN PRESIDENT LINES, LTD.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that American President Lines, Ltd., has applied for approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises:

Ship	Cruise dates 1969	Itinerary
President Cleveland	Jan. 10-Mar. 14	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Aukland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.
President Roosevelt	June 9-June 25	Los Angeles, San Francisco, Seattle, Vancouver, Ketchikan, Juneau, Victoria, Los Angeles, San Francisco.
Do	June 26-June 29	San Francisco to sea and return to San Francisco.
Do	June 30-July 8	San Francisco, Seattle, Vancouver, Victoria, San Francisco.
Do	Aug. 22-Sept. 1	Los Angeles, San Francisco, Seattle, Vancouver, Victoria, San Francisco.
Do	Oct. 17-Jan. 14, 1970	San Francisco, Los Angeles, Acapulco, Balboa, Cristobal, Kingston, Port Everglades, Bermuda, Ponta Delgada, Lisbon, Casablanca, Dakar, Capetown, Durban, Mombasa, Port Victoria (Seychelles), Bombay, Colombo, Singapore, Hong Kong, Kobe, Yokohama, Honolulu, San Francisco.
President Cleveland	Dec. 20-Feb. 21, 1970	San Francisco, Los Angeles, Honolulu, Papeete, Pago Pago, Suva, Aukland, Sydney, Port Moresby, Bali, Singapore, Hong Kong, Manila, Guam, Honolulu, San Francisco.
President Wilson	Dec. 23-Jan. 4, 1970	San Francisco, Los Angeles, Acapulco, Los Angeles, San Francisco.
	Cruise dates 1970	
President Roosevelt	Jan. 17-Apr. 20	San Francisco, Los Angeles, Honolulu, Yokohama, Kobe, Hong Kong, Singapore, Colombo, Bombay, Port Victoria (Seychelles), Mombasa, Durban, Capetown, Dakar, Casablanca, Lisbon, London, Bermuda, Port Everglades, Kingston, Cristobal, Balboa, Acapulco, Los Angeles, San Francisco.
Do	Apr. 23-May 5	San Francisco, Los Angeles, Acapulco, Los Angeles, San Francisco.

Any person, firm or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on September 18, 1968.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

By order of the Maritime Subsidy Board.

Dated: August 28, 1968.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 68-10583; Filed, Aug. 30, 1968; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

AGREEMENT BETWEEN ATOMIC ENERGY COMMISSION AND STATE OF IDAHO

Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Notice is hereby given that Wilfred E. Johnson, Commissioner, on behalf of the Atomic Energy Commission, and the Honorable Don Samuelson, Governor of the State of Idaho, have signed the Agreement below for discontinuance of certain Commission regulatory authority. The Agreement is published in accordance with the requirements of Public Law 86-373 (Section 274 of the Atomic Energy Act of 1954, as amended). The exemptions from the licensing requirements of Chapters 6, 7, and 8 of the Atomic Energy Act are contained in Part 150 of the Commission's regulations (10 CFR Part 150) which was published in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668.

Dated at Washington, D.C., this 28th day of August 1968.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

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

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

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

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

Whereas, The Commission found on July 24, 1968, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

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

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

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended:

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

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

A. Byproduct materials;

B. Source materials; and

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

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

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

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

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

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

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

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

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

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

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

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

Done at Boise, State of Idaho, in triplicate, this 15th day of August 1968.

For the U.S. Atomic Energy Commission.

[SEAL] WILFRID E. JOHNSON,
Commissioner.

For the State of Idaho.

[SEAL] DON SAMUELSON,
Governor.

[F.R. Doc. 68-10539; Filed, Aug. 30, 1968; 8:46 a.m.]

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the Initial Decision of the Atomic Safety and Licensing Board, dated August 26, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-49 to Boston Edison Co. for the construction of a single cycle, forced circulation, boiling water nuclear reactor, designated as the Pilgrim Nuclear Power Station, on the applicant's site in the town of Plymouth, Plymouth County, Mass. The reactor is designed for initial operation at approximately 1,912 megawatts (thermal).

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

Dated at Bethesda, Md., this 26th day of August 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-10540; Filed, Aug. 30, 1968; 8:46 a.m.]

[Docket No. 50-130]

NORTHERN STATES POWER CO.

Order Extending License Expiration Date

By Application Amendment No. 44, dated August 6, 1968, Northern States Power Co. requested an extension of the expiration date of Facility License No. DPR-11. The license authorizies the applicant to possess and operate the Pathfinder Atomic Plant located in Sioux Falls, S. Dak.

Good cause having been shown for extension of said date pursuant to § 50.57 (d) of 10 CFR Part 50 of the Commission's regulations, it is hereby ordered that the expiration date of Provisional Operating License No. DPR-11 is extended to March 12, 1970.

Date of issuance: August 16, 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-10541; Filed, Aug. 30, 1968; 8:47 a.m.]

[Docket No. 50-73]

GENERAL ELECTRIC CO.

Nuclear Test Reactor; Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 8, effective as of the date of issuance and as set forth below, to Facility License No. R-33. Facility License No. R-33 authorizes General Electric Co. ("the licensee") to operate its Nuclear Test Reactor (the "NTR") located at its Vallecitos Nuclear Center (VNC) in Alameda County, Calif.

This amendment authorizes General Electric to receive, possess, and use in the Experimental Cell of the NTR the materials authorized by Special Nuclear Material License No. SNM-960 in accordance with an application dated May 8, 1968. The amendment also adds a revised § 8.0 to the Technical Specifications of Facility License No. R-33.

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

For further details with respect to this amendment, see (1) the application dated May 8, 1968, and (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of August 1968.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. R-33 Amdt. No. 8]

The Atomic Energy Commission having found that:

a. The application for license amendment dated May 8, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that the activities authorized by this license, as amended, can be conducted at the designated location without endangering the health and safety of the public;

c. The issuance of this amendment will not be inimical to the common defense and

security or to the health and safety of the public; and

d. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-33, as amended, is hereby further amended in the following manner:

1. Revise item (8) of subparagraph 2.B. to read: "100 grams of plutonium in experimental devices".

2. Add a new subparagraph 2.F. as follows:

Pursuant to the Act and Title 10, Chapter 1, CFR, Part 70, "Special Nuclear Material", to receive, possess and use in the Experimental Cell of the NTR the materials authorized by Special Nuclear Material License No. SNM-960, as amended (Docket No. 70-754). The use of these materials in the Experimental Cell shall be subject to the conditions contained in License No. SNM-960 and the attached [1] revised section 8.0 of the Technical Specifications (Appendix A) to Facility License No. R-33.

This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Date of issuance: August 20, 1968.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68-10520; Filed, Aug. 30, 1968; 8:45 a.m.]

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

CIVIL AERONAUTICS BOARD

[Docket 20098; Order 68-8-109]

ALBANY AIR SERVICE, INC.

Order To Show Cause

AUGUST 26, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent August 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 43.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Valdosta and Atlanta via Albany, Ga.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft Model 18 twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Albany Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Valdosta and Atlanta via Albany, Ga., shall be 43.5 cents per great circle aircraft mile.

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

It is ordered, That:

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

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

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

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

5. This order shall be served upon Albany Air Service, Inc., the Postmaster General, Eastern Air Lines, Inc., and Southern Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10564; Filed, Aug. 30, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in section 385.14(g).

[Docket 19967; Order 68-8-114]

FRONTIER AIRLINES, INC.

Application for Amendment of Its Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of August 1968.

On June 19, 1968, Frontier Airlines, Inc., filed an application pursuant to Subpart M of the Rules of Practice for removal or modification of condition 6(a) of its certificate for route 73 so as to permit nonstop service between Denver, Colo., and Salt Lake City, Utah.[1] United Air Lines, Inc., and Western Air Lines, Inc., filed answers opposing Frontier's application. Frontier has filed a consolidated reply controverting each answer.

Upon consideration of the foregoing pleadings and all the relevant facts, the Board has determined that there is sufficient basis for setting Frontier's application for hearing.

Accordingly, it is ordered, That:

The application of Frontier Airlines, Inc., in Docket 19967, be and it hereby is set down for hearing before an examiner of the Board at a time and place hereafter designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10565, Filed, Aug. 30, 1968; 8:49 a.m.]

[1] The Board did not take action to summarily dismiss the application within the 10-day period prescribed in § 302.1305(a) and consequently the provisions of Subpart M became automatically applicable.

[Docket 19570 etc.]

MARTIN'S LUCHTVERVOER MAATSCHAPPIJ N. V.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 18, 1968, at 10 a.m., e.d.s.t., Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 27, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-10566; Filed, Aug. 30, 1968; 8:49 a.m.]

[Docket 20097; Order 68-8-108]

SOUTHEAST AIRLINES, INC.

Order To Show Cause

AUGUST 26, 1968.

Issued under delegated authority.

The Postmaster General filed a notice of intent August 12, 1968, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 53 cents per great circle aircraft mile for the transportation of mail by aircraft between Rocky Mount, N.C., and Charlotte, N.C., via Raleigh, N.C.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft, Model D-18 twin-engine aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Southeast Airlines, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Rocky Mount, N.C., and Charlotte, N.C., via Raleigh, N.C., shall be 53 cents per great circle aircraft mile.

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

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

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

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

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

5. This order shall be served upon Southeast Airlines, Inc., the Postmaster General, United Air Lines, Inc., Eastern Air Lines, Inc., and Piedmont Aviation, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 68-10567; Filed, Aug. 30, 1968; 8:49 a.m.]

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 1B(3) of the Committee's Authorization for System Foreign Currency Operations, as amended at its meeting on May 28, 1968.

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive:

* * * * *

B. To hold foreign currencies listed in paragraph A above, up to the following limits:

* * * * *

(3) Sterling purchased on a covered or guaranteed basis in terms of the dollar, under agreement with the Bank of England, up to $300 million equivalent.

NOTE. For remainder of paragraph 1 of the authorization, see 33 F.R. 3665; for paragraph 2, see 33 F.R. 9045; for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.

Dated at Washington, D.C., the 23d day of August 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-10523; Filed, Aug. 30, 1968; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of May 28, 1968

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on May 28, 1968.[1]

The information reviewed at this meeting indicates that the very rapid increase in overall economic activity is being accompanied by persisting inflationary pressures. There has been little or no growth on average in bank credit and time and savings deposits over the past 2 months, although the money supply has expanded considerably as U.S. Government deposits have declined. In recent weeks both short- and long-term interest rates have risen sharply on balance from their earlier advanced levels, partly in reaction to shifting expectations with regard to the likelihood of fiscal restraint. There has been some revival of speculative activity in the private gold market and in foreign exchange markets. The U.S. foreign trade balance and overall payments position continue to be a matter of serious concern. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resistance of inflationary pressures and attainment of reasonable equilibrium in the country's balance of payments, while taking account of the potential for severe pressures in financial markets if fiscal restraint is not forthcoming.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining firm conditions in the money market: *Provided, however,* That operations shall be modified if bank credit appears to be deviating significantly from current projections or if unusual pressures should develop in financial markets.

Dated at Washington, D.C., the 23d day of August 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-10524; Filed, Aug. 30, 1968; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Foreign Currency Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information,

[1] The Record of Policy Actions of the Committee for the meeting of May 28, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

there is set forth below paragraph 4 of the Committee's Foreign Currency Directive, as amended at its meeting on May 28, 1968.

4. Unless otherwise expressly authorized by the Committee, transactions in forward exchange, either outright or in conjunction with spot transactions, may be undertaken only (i) to prevent forward premiums or discounts from giving rise to disequilibrating movements of short-term funds; (ii) to minimize speculative disturbances; (iii) to supplement existing market supplies of forward cover, directly or indirectly, as a means of encouraging the retention or accumulation of dollar holdings by private foreign holders; (iv) to allow greater flexibility in covering System or Treasury commitments, including commitments under swap arrangements, and to facilitate operations of the Stabilization Fund; (v) to facilitate the use of one currency for the settlement of System or Treasury commitments denominated in other currencies; and (vi) to provide cover for System holdings of foreign currencies.

NOTE: For remainder of Directive see 32 F.R. 9583.

Dated at Washington, D.C., the 23d day of August 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-10525; Filed, Aug. 30, 1968; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 402-1]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

AUGUST 28, 1968.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., Applicant, Call Sign, and Nature of Application

5809-C2-P-68—The Ohio Bell Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—739 South Broadway Avenue, Bedford, Ohio. Location No. 2—20-22 West Bagley Road, Berea, Ohio. Location No. 3—7411 Chippewa Road, Brecksville, Ohio. Location No. 4—13630 Lorain Avenue, Cleveland, Ohio. Location No. 5—16351 Brookpark Road, Brookpark, Ohio. Location No. 6—1424 Argonne Road, South Euclid, Ohio. Location No. 7—12223 St. Clair Avenue, Cleveland, Ohio. Location No. 8—7207 Valley View Road, Independence, Ohio. Location No. 9—3445 Richmond Road, Beachwood, Ohio. Location No. 10—750 Huron Road, Cleveland, Ohio. Location No. 11—7225 Broadway Avenue, Cleveland, Ohio. Location No. 12—14090 Ridge Road, North Royalton, Ohio. Location No. 13—25900 Lakeland Boulevard, Euclid, Ohio. Location No. 14—4314 State Road, Cleveland, Ohio. Location No. 15—14001 Pearl Road, Strongsville, Ohio. Location No. 16—24150 Lorain Road, North Olmstead, Ohio. Location No. 17—7205 Southington Drive, Parma, Ohio. Location No. 18—15715 Chagrin Boulevard, Shaker Heights, Ohio.

5810-C2-P-68—Blue Circle Radio Pocket Paging Corp.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 59 Maiden Lane, New York, N.Y.

5811-C2-P-68—Blue Circle Radio Pocket Paging Corp.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 277 Park Avenue, New York, N.Y.

5812-C2-P-68—Rhinelander Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Location: 45 North Stevens, Rhinelander, Wis.

5813-C2-P-68—New Jersey Bell Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Locations: Location No. 1—75 Passaic Street, Rochelle Park, N.J. Location No. 2—1253 Inwood Terrace, Fort Lee, N.J. Location No. 3—Paterson-Hamburg Turnpike, W/O Benwell Avenue, Wayne Township, N.J. Location No. 4—330 State Highway No. 10, Whippany, N.J. Location No. 5—490 Prospect Avenue, West Orange, N.J. Location No. 6—63 Bloomfield Avenue, Newark, N.J. Location No. 7—773 Summit Avenue, Jersey City, N.J. Location No. 8—1196 East Grand Street, Elizabeth, N.J. Location No. 9—544 Springfield Avenue, Summit, N.J. Location No. 10—0.85 mile west of Iselin, N.J.

5814-C2-P-68—The Lincoln Telephone and Telegraph Co.; (KAA689); C.P. to add frequency 152.84 MHz to provide tone-only radio paging service at its station location No. 1: 1440 M Street, Lincoln, Nebr.

5815-C2-P-68—Redwood Radiotelephone Corp.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Round Top Peak, near Oakland, Calif.

5816-C2-MP-68—Anserphone, Inc.; (KQK714); Modification of C.P. to change frequency from 35.22 MHz to 152.24 MHz at its station Central Tower Building, Market and East Federal Streets, Youngstown, Ohio.

5817-C2-MP-68 Anserphone, Inc.; (KQK722); Modification of C.P. to change frequency from 35.22 MHz to 152.24 MHz at its station 106 East Market Street, Warren, Ohio.

5818-C2-P-68—Allen C. Moore, doing business as Moore's Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 2600 Cass Street, Fort Wayne, Ind.

6040-C2-P-68—The Ohio Bell Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—121 Huron Street, Toledo, Ohio. Location No. 2—Approximately ¾ mile north of intersection of Route 23 and Eckel Road, Perrysburg, Ohio. Location No. 3—2406 Glendale, Toledo, Ohio. Location No. 4—2142 North Cove, Toledo, Ohio. (Toledo City Hospital.) Location No. 5—Approximately ¼ mile east of intersection of Stickney Avenue and Matzinger Road, Toledo, Ohio. Location No. 6—Approximately ⅛ mile southwest of the intersection of Lee Street and Jessie Court, Toledo, Ohio.

6041-C2-P-68—The Chesapeake and Potomac Telephone Company of Virginia; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Location: 703 East Grace Street, Richmond, Va.

6042-C2-P-68—The Chesapeake and Potomac Telephone Company of Virginia; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Location: 120 West Bute Street, Norfolk, Va.

6043-C2-P-68—The Southern New England Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Location: 55 Trumbull Street, Hartford, Conn.

6044-C2-P-68—Pattersonville Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Location: Approximately 1 mile southwest of Rotterdam Junction, N.Y.

6140-C2-P-68—Joseph N. Thomason; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 3126 West Hood Avenue, Kennewick, Wash.

6179–C2–P–68—American Radio-Telephone Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 711 14th Street NW., Washington, D.C.

6180–C2–P–68—American Radio-Telephone Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 5202 River Road, Bethesda, Md.

6190–C2–P–68—Certified Telephone Answering Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Chase Park Plaza, 220 North Kings Highway, St. Louis, Mo.

6191–C2–P–68—The Chesapeake and Potomac Telephone Company of Maryland; (New); C.P. for a new one-way-signaling station. Frequency: 158.10 MHz. Locations: Location No. 1—10 Light Street, Baltimore, Md. Location No. 2—3913 Cold Spring Lane, Baltimore, Md. Location No. 3—5711 York Road, Baltimore, Md. Location No. 4—5005 Frankford Avenue, Baltimore, Md. Location No. 5—6736 Holabird Avenue, Baltimore, Md. Location No. 6—206–12 Frankle Avenue, Baltimore, Md. Location No. 7—4505 Leeds Avenue, Baltimore, Md. Location No. 8—100 York Road, Baltimore, Md.

6192–C2–P–68—New York Telephone Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—140 West Street, New York, N.Y. Location No. 2—350 Fifth Avenue, New York, N.Y. Location No. 3—193 Manhattan Avenue, New York, N.Y. Location No. 4—260 Audubon Avenue, New York, N.Y. Location No. 5—1106 Hoe Avenue, Bronx, N.Y. Location No. 6—3050 Cruger Avenue, Bronx, N.Y. Location No. 7—101 Willoughby Street, Brooklyn, N.Y. Location No. 8—2177 Albemarle Road, Brooklyn, N.Y. Location No. 9—82–23 Broadway, Elmhurst, N.Y. Location No. 10—125–10 Queens Boulevard, Kew Gardens, N.Y. Location No. 11—Northeast corner of Bogert and Browning Avenues, Staten Island, N.Y.

6193–C2–P–68—Joseph N. Thomason; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: On Baldy Hill seven-eighths of a mile north-northwest of Felts Field, Spokane Municipal Airport, Spokane, Wash.

6282–C2–P–68—Waco Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1200 block of North 46th Street, Waco, Tex.

6283–C2–P–68—M. O. Bobes, doing business as Mobile Telephone Service of Wheeling, W. Va.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Rural Delivery No. 1, Sunset Heights, Bridgeport, Ohio.

6284–C2–P–68—Cincinnati Radio Telephone Systems, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Eighth and Matson Avenues. (WJBI–FM), Cincinnati, Ohio.

6376–C2–P–68—Edward C. Smith, doing business as Answerite Professional Telephone Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Park Plaza Hotel, 431 East Central Boulevard, Orlando, Fla.

6377–C2–P–68—The Bell Telephone Company of Pennsylvania; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—4224 Mount Troy Road, Pittsburgh, Pa. Location No. 2—2607 Skyline Drive West Mifflin, Pa. Location No. 3—416 Seventh Avenue, Pittsburgh, Pa. Location No. 4—University Drive, Pittsburgh, Pa. Location No. 5—Penn Avenue and Brinker Street, Wilkinsburg, Pa. Location No. 6—McRoberts Road, Castle Shannon, Pa. Location No. 7—Route 60 at Campbells Run Road, Robinson Township, Pa. Location No. 8—Logan's Ferry Road, Plum Township, Pa. Location No. 9—Fox Chapel Road, Indiana Township, Pa. Location No. 10—Saunders Station Road (LR–02186), Monroeville, Pa.

6378–C2–P–68—Lad Radio Systems, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: South Clinton Avenue at Midtown Towers, Rochester, N.Y.

6383–C2–P–68—The Bell Telephone Company of Pennsylvania; (New); C.P. for a new one-way-signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—PSFS, 12th and Market Streets, Philadelphia, Pa. Location No. 2—Chestnut Hill 8318 Germantown Avenue, Philadelphia, Pa. Location No. 3—Orchard, 2210 Lott Street, Philadelphia, Pa. Location No. 4—Jefferson, 4808 Leiper Street, Philadelphia, Pa. Location No. 5—Willow Grove, 229 York Road, Willow Grove, Pa. Location No. 6—7200 Chestnut Street, Upper Darby, Pa. Location No. 7—28 South Chester Park, Glenolden, Pa.

6384–C2–P–68—The Bell Telephone Company of Pennsylvania; (New); C.P. for a new one-way signaling station. Frequency: 152.84 MHz. Locations: Location No. 1—210 Pine Street, Harrisburg, Pa. Location No. 2—3.5 miles northwest of Enola, Pa. Location No. 3—Hilton Street, 1.7 miles west of center of Hummelstown and 285' north of U.S. Route 422, Hummelstown, Pa.

6385–C2–P–68—Mobile Communications Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 431 Greenleaf Road, Portland, Oreg.

6454–C2–P–68—Anserfone, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 417 Gardenia Street, West Palm Beach, Fla.

6495–C2–P–68—Billie White; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Vermillion at Jefferson Streets, Lafayette, La.

6509–C2–P–68—Area-Wide Paging System, Inc.; (KQK593); C.P. to add 152.24 MHz one-way-signaling channel at its station Terminal Tower Building, Cleveland, Ohio.

6510–C2–P–68—All City Telephone Answering Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 606 West Wisconsin Avenue, Milwaukee, Wis.

6555–C2–P–68—L. Frank Stewart, doing business as Stewart Electronics; (KSJ811); C.P. to change antenna system; replace base transmitter (one-way-signaling) and change frequency from 35.22 MHz to: 152.24 MHz at its station 2424 West Skyline Drive, Champaign, Ill.

46–C2–P–69—Jack Loperena; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 3 miles east of Auberry, Calif. Also requests authority for a standby transmitter at this site. Control frequency 75.76 MHz to be located at location No. 2: 238 North Fresno Street, Fresno, Calif.

47–C2–P–69—Mobile Radio Systems Ltd.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 500 East Monroe Street, Springfield, Ill.

101–C2–P–69—Ratel Communications Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 813 Eighth Street, Wichita Falls, Tex.

182–C2–P–69—Electronic Engineering Co.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1100 Keosauqua Street, Des Moines, Iowa.

183–C2–P–69—Business Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location: 4466 West Pine Boulevard, St. Louis, Mo., also requests authority to install standby transmitter.

252–C2–P–69—Dr. Peter A. Bakal; (KED364); C.P. to change antenna, replace transmitter and change frequency 35.22 MHz to 152.24 MHz at its one-way-signaling station on Crawford Road, 5 miles northwest of Schenectady, N.Y.

253–C2–P–69—Robert F. Ryder, doing business as Radio Paging Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 0.9 mile east-southeast of State Penitentiary, Table Rock, Idaho.

254–C2–P–69—American Radio-Telephone Service, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location No. 1: Corner of Charles and Fayette Streets, Baltimore, Md., and Location No. 2: 1 Investment Place, Towson, Md.

494–C2–P–69—The Redco Corp. and Roy M. Teel and Lowry McKee, doing business as Mobilfone; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: Lookout Mountain, 4 miles southwest of Tulsa, Okla.

495–C2–P–69—The Redco Corp. and Roy M. Teel and Lowry McKee, doing business as Mobilfone; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1020 Southeast 64th Street, Oklahoma City, Okla.

496–C2–P–69—Edward H. Jackson, Jr., doing business as Ark-La-Tex Mobile Radio Service; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 416 Travis Street, Shreveport, La.

801–C2–P–69—Instant Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 424 Book Building, 1249 Washington Boulevard, Detroit, Mich.

763–C2–P–69—Instant Communications, Inc.; (KQD303); C.P. to replace 35.22 MHz facilities with 158.70 MHz at its station located 424 Book Building, 1249 Washington Boulevard, Detroit, Mich. (1-way-signaling).

766–C2–P–69—Mobile Radio Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 901–923 Main Street, Kansas City, Mo.

767–C2–P–69—Mobile Radio Communications, Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location: 922 Linwood Street, Kansas City, Mo.

849–C2–P–69—Rockford Communications Co., Inc.; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 321 West State Street, Rockford, Ill.

850–C2–P–69—Redwood Radiotelephone Corp.-Marin; (KMM690); C.P. to add 158.70 MHz at its one-way-signaling station northeast slope of San Rafael Hill, 10 feet east of Robert Dollar Road, San Rafael, Calif.

895-C2-P-69—William Garrett Driskell; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: WKLS–FM Tower, Barnes Mill Road, Marietta, Ga.

939-C2-P-69—The Redco Corp. and Roy M. Teel, and Lowry McKee, doing business as Mobilfone; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1108 J Street, Lawton, Okla.

940-C2-P-69—The Redco Corp. and Roy M. Teel, and Lowry McKee, doing business as Mobilfone; (New); C.P. for a new one-way-signaling station. Frequency: 152.24 MHz. Location: 1.3 miles south-southwest of Junction U.S. Highway 271 and State Highway 9 South, Fort Smith, Ark.

1021-C2-P-69—Telephone Secretarial Service; (New); C.P. for a new one-way-signaling station. Frequency: 158.70 MHz. Location: 1180 Raymond Boulevard, Newark, N.J.

[F.R. Doc. 68-10489; Filed, Aug. 30, 1968; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3909]

BSF CO.

Order Suspending Trading

AUGUST 27, 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 August 28, 1968, through September 6, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68-10543; Filed, Aug. 30, 1968; 8:47 a.m.]

[70-4665]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Acquisition of Securities Issued by Nonassociate

AUGUST 27, 1968.

Notice is hereby given that Consolidated Gas Supply Corp. ("Consolidated Gas") 445 West Main Street, Clarksburg, W. Va. 26301, a wholly owned subsidiary company of Consolidated Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 9(c)(3) thereof as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Consolidated Gas proposes to acquire promissory notes to be issued by Town & Country Villages of Bridgeport, Inc. ("Town & Country"), a nonassociate and nonutility company. The total amount of the notes to be acquired will be $51,000 in face amount, with interest at 8 percent per annum, to be executed by Town & Country, and two of its stockholders, Lenard Gottieb and David J. Harmer. The notes will be payable to Consolidated Gas 2 years after the date of issue, which is proposed to be September 16, 1968. It is stated that the proposed transaction does not meet all the exemption requirements of Rule 40(a)(2) and therefore an order pursuant to section 9(c)(3) is requested.

Consolidated Gas owns and operates natural gas distribution properties in central and northern West Virginia, including Harrison County, wherein Bridgeport is located. Consolidated Gas, as of June 30, 1968, had net utility plant assets of approximately $369,400,000, operating revenue from gas sales of approximately $287 million, and net income of approximately $16,145,000.

Town & Country was incorporated in West Virginia on April 26, 1968, for the purpose of acquiring a 53-acre tract of land located in Harrison County and developing the land as a residential area. Town & Country holds an option to purchase the land on or before November 2, 1968 for $150,000, to be financed by secured purchase-money notes issued to the present owner. Town & Country intends to construct, for sale, 200 rental housing units over a period of 4 years, which will be constructed according to standards established by The Federal Housing Administration and has arranged with Federal National Mortgage Association for funds to finance the construction of the homes. It is stated that additional funds are needed to finance construction of the streets, sewers and water systems and that Town & Country proposes to finance such construction by the sale to Consolidated Gas of its promissory notes in the face amount $51,000.

Consolidated Gas desires to assist in the development of Harrison County and represents that the housing development will stimulate the economy of Harrison County. Consolidated Gas will extend its existing gas pipeline system into the 53-acre tract and expects to acquire a substantial number of new customers.

The expenses to be incurred in connection with the proposed transactions are estimated at $500 consisting of travel and related expenses of house counsel for Consolidated Gas. The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 18, 1968, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68-10544; Filed, Aug. 30, 1968; 8:47 a.m.]

[70-4667]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds

AUGUST 27, 1968.

Notice is hereby given that Jersey Central Power & Light Co. ("Jersey Central") Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application,

which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $26 million principal amount of first mortgage bonds, ___ percent series due 1998. The interest rate (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which will be not less than 100 percent) nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture dated as of March 1, 1946, between Jersey Central and First National City Bank, successor trustee, as heretofore supplemented and as to be further supplemented by a 15th supplemental indenture to be dated as of October 1, 1968.

The proceeds from the sale of the bonds will be employed for the purpose of financing Jersey Central's business as a public utility, including the reimbursement of its treasury for construction expenditures prior to January 1, 1968, and the payment of a portion of its short-term bank loans outstanding at the date of sale of the bonds, estimated to be $29,500,000. At August 14, 1968, outstanding short-term bank loans amounted to $24,300,000. The company's 1968 construction program is estimated at approximately $57 million.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $78,000, including counsel fees of $21,000 and accountants' fees of $5,200. Fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 17, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68-10545; Filed, Aug. 30, 1968; 8:47 a.m.]

[70-4447]

MILLSTONE POINT CO. AND NORTHEAST UTILITIES

Notice of Posteffective Amendment Regarding Proposed Performance of Supplemental Plant Operating Agreement for Associate Companies by Subsidiary Company

AUGUST 27, 1968

Notice is hereby given that Northeast Utilities ("Northeast"), 70 Federal Street, Boston, Mass. 02110, a registered holding company, and its wholly owned subsidiary company, the Millstone Point Co. ("Millstone"), Post Office Box 270, Hartford, Conn. 06101 have filed with this Commission, pursuant to the provisions of section 13(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 86, 87(a)(2) and (a)(3), and 88 promulgated thereunder, a posteffective amendment to the joint application-declaration in this matter. All interested persons are referred to the said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The Connecticut Light and Power Co., the Hartford Electric Light Co., and Western Massachusetts Electric Co., all of which are electric-utility subsidiary companies of Northeast, have contracted for the design and construction of a nuclear electric generating unit with initial net capability of 550,000 kilowatts on a site in Waterford, Conn. ("first unit"), which the three utility companies ("Owners") will own jointly as tenants in common, with undivided interests of 53 percent, 28 percent, and 19 percent, respectively ("ownership percentages"), and be entitled to amounts of its net electric capability which correspond to their respective ownership percentages.

By order dated March 20, 1967 (Holding Company Act Release No. 15691), this Commission authorized Millstone to enter into an operating agreement dated June 30, 1966, with the Owners ("initial agreement"), pursuant to the terms of which, the Owners appointed Millstone as their agent with authority, among other things, to act for them in all matters respecting the design, construction, procurement of fuel, operation, and maintenance of the first unit.

The Owners have scheduled construction of a second nuclear generating unit ("second unit") at the Waterford site having a net electric capability of approximately 800,000 kilowatts and scheduled for commercial operation in 1974. The percentages of ownership of the Owners in the second unit are the same, respectively, as in the first unit.

In accordance with the aforesaid post-effective amendment, the Owners and Millstone have entered into a supplement to the operating agreement dated as of December 1, 1967, ("supplemental agreement") which provides that Millstone will act as agent for the Owners with respect to the second unit in the same manner as with the first unit and that the terms of the initial agreement, to the extent appropriate, will be applicable in all respects to the second unit and the rights and obligations of the parties with respect thereto. The term of the supplemental agreement, with certain exceptions, continues for the useful life of the second unit, and Millstone's activities with respect thereto are not expected to increase its capital requirements.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $250, and it is represented that no consent or approval of any State Commission or Federal commission, other than this Commission, is required in respect of the proposed transactions.

The applicants-declarants request that the said joint application-declaration, as heretofore amended and as amended by the said post-effective amendment, be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act and the following additional term and condition to which the applicants-declarants have expressly consented:

No change not specifically contemplated by the application-declaration, as amended, in the organization of Millstone, the type and character of the companies for which it performs services, the method of allocating costs to associate companies, or in the scope or character of services rendered, shall be made unless and until Millstone shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Millstone that a question exists as to whether the aforesaid proposed change is consistent with the provisions of section 13 of the Act, or of any rule, regulation or order thereunder, the proposed change shall not become effective unless and until Millstone shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall

have permitted such declaration to become effective.

Notice is further given that any interested person may, not later than September 13, 1968, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed and amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 68-10547; Filed, Aug. 30, 1968; 8:47 a.m.]

LEEDS SHOES, INC.

Order Suspending Trading

AUGUST 27, 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 August 28, 1968, through September 6, 1968, both dates inclusive.

By the Commission.

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

[F.R. Doc. 68-10546; Filed, Aug. 30, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 679]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 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 44639 (Sub-No. 26 TA), filed August 22, 1968. Applicant: SAM MAITA AND IRVING LEVIN, a partnership, doing business as L. & M. Express Co., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier,* by vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Crewe, Va., on the one hand, and, on the other, Wilson, N.C. NOTE: Applicant states the authority sought therein is to be tacked and combined with all authorized operations in MC 44639, for 150 days. Supporting shipper: Fun "n" Fads, Inc., 1359 Broadway, New York, N.Y. 10018. Send protests to: District Supervisor, Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 78786 (Sub-No. 273 TA), filed August 22, 1968. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. 94105. Applicant's representative: R. K. Booth (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Casa Grande, Ariz., and junction Florence Road and Arizona Highway 86, over Florence Road, serving all intermediate and off-route points within an area of 10 miles on each side of the above-described route. NOTE: Applicant states it intends to interline with other carriers and to tack with its present authority at Casa Grande, Ariz., for 180 days. Supporting shippers: The Trane Co., Post Office Box 18456, 5200 West 4700 South, Salt Lake City, Utah 84110; Dunham-Bush, Inc., 3057 West Fairmont Avenue, Phoenix, Ariz. 85017; Authorized Supply of Arizona, Inc., Post Office Box 6027, 1734 North 22d Avenue, Phoenix, Ariz. 85005; Reynolds Electrical & Engineering Co., Inc., 2970 East Aviation, Tucson, Ariz. 85713; Graybar Electric Co., Inc., Graybar Building, 1700 North 22d Avenue, Phoenix, Ariz. 85009. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 113784 (Sub-No. 31 TA), filed August 23, 1968. Applicant: CANAL CARTAGE (1968) LIMITED, 36 James Street South, Hamilton, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Ilmenite,* in bulk, from the port of entry on the Niagara River at Buffalo, N.Y., on the international boundary line between the United States and Canada, to Marcus Hook, Pa., for 150 days. Supporting shipper: Oceanic Process Corp., 120 Wall Street, New York, N.Y. 10005. Send protests to: George M. Parker, Interstate Commerce Commissioner, Bureau of Operations, District Supervisor, 121 Ellicott Street, Room 518, Buffalo, N.Y. 14203.

No. MC 114533 (Sub-No. 167 TA), filed August 23, 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: *Proofs, cuts, copy, and other graphic arts material,* between Evanston, Ill., on the one hand, and, on the other, Hannibal, Mo., and Racine, Wis., for 150 days. Supporting shipper: Harper & Row, Publishers, School Department, Evanston, Ill. 60201. Send protests to: Mr. Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 115181 (Sub-No. 11 TA), filed August 23, 1968. Applicant: HAROLD M. FELTY, INC., Rural Delivery No. 1, Pine Grove, Pa. 17963. Applicant representative: Jack A. Linton, 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Concrete masonry units, including glazed concrete masonry units,* on vehicles equipped with mechanical unloading devices, from the Borough of Media, Delaware County, Pa., to points in New York, Connecticut, New Jersey, Delaware, Maryland, Massachusetts,

Rhode Island, Virginia, and the District of Columbia, and *damaged or refused shipments* of same on return, for 180 days. Supporting shipper: Samson Industries, Inc., Media, Pa. 19063. Send protests to: Paul J. Kenworthy, District Supervisor, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 115876 (Sub-No. 20 TA), filed August 22, 1968. Applicant: ERWIN HURNER, 2605 South Rivershore Drive, Moorhead, Minn. 56560. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, frozen foods, and beverages*, in shipper-owned trailers, from Fargo, N. Dak., to Aberdeen, S. Dak., for 180 days. Supporting shipper: Cass-Clay Creamery, Inc., 200 North 20th Street, Fargo, N. Dak. 58102. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 117765 (Sub-No. 66 TA), filed August 23, 1968. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Salt and Salt Products*, in bag or bulk, from Oklahoma City, Okla., to points in Oklahoma, having prior out of State movement by rail, for 180 days. Supporting shipper: Morton Salt Co., 6175 The Pasdo, Kansas City, Mo. 84110. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 118816 (Sub-No. 3 TA) (Correction), filed August 14, 1968, published FEDERAL REGISTER issue August 22, 1968 and republished as corrected, this issue. Applicant: MATERIALS TRANSPORT SERVICE, INC., Box 98 Whitehall, Pa. 18052. Applicant's representative: E. E. Taylor (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Elizabeth, N.J., to points in New York, New Jersey, and Connecticut, for 180 days. NOTE: Applicant intends to tack with MC 118816. The purpose of this republication is to reflect the correct docket number as MC 118816—Sub 3 TA, in lieu of MC 118816 Sub 2 TA, as shown in previous publication. Supporting shipper: Martin Marietta, 277 Park Avenue, New York, N.Y. 10017. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 128247 (Sub-No. 8 TA), filed August 23, 1968. Applicant: BURSAL TRANSPORT, INC., Rural Route 1, Bunker Hill, Ind. 46914. Applicant's representative: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured and processed clay*, from Paris, Tenn.; Olmstead, Ill.; Ripley, Miss.; Cairo, Ga.; and Quincy, Fla., to points in Kentucky, Ohio, Indiana, Illinois, Michigan, Missouri, Pennsylvania, Wisconsin, Iowa, Oklahoma, West Virginia, Virginia, and Tennessee, and *equipment, materials and supplies* used in processing or manufacturing clay on return, for 180 days. Supporting shippers: Oil-Dri Corporation of America, 520 North Michigan Avenue, Chicago, Ill. 60611, Southern Clay, Inc., Cassopolis, Michigan. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 Wayne Street, Fort Wayne, Ind. 46802.

No. MC 129455 (Sub-No. 1 TA), filed August 22, 1968. Applicant: CARRETTA TRUCKING INC., 70 Canal Street, Jersey City, N.J. 07302. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Swimming pools, swimming pool parts, accessories, and supplies, and garden sheds, and radiator enclosures*, for the account of Quaker City Industries, of Carlstadt, N.J., from Carlstadt and Paterson, N.J., to points in Georgia, Florida, South Carolina, North Carolina, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Arlington, and Fairfax Counties, Va., the District of Columbia, and those points in that part of Pennsylvania east of the Susquehanna River; (2) *Materials used in the manufacture of garden sheds*, from McKeesport, Pa., to Paterson, N.J., for 180 days. Supporting shippers: Quaker City Industries, Inc., 99 Kero Road, Carlstadt, N.J. 07072. Send protests to: District Supervisor, W. J. Grossmann, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 129522 (Sub-No. 4 TA), filed August 22, 1968. Applicant: QUALITY CARRIERS OF INDIANA, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, (1) from Munster, Ind., to Davenport and Dubuque, Iowa; and (2) from Kenosha, Wis., to Davenport and Dubuque, Iowa; Bowling Green, Elizabethtown, and Owensboro, Ky., and Bryan and Cincinnati, Ohio, for 180 days. Supporting shippers: Pepsi-Cola General Bottlers, Inc., 1745 North Kolmar Avenue, Chicago, Ill., 60639 (A. J. Croce, Purchasing Agent). Send protest to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129522 (Sub-No. 5 TA), filed August 22, 1968. Applicant: QUALITY CARRIERS OF INDIANA, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. 53105. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from Munster, Ind., to Alton, Bloomington, Champaign, Decatur, East St. Louis, Jacksonville, Joliet, Matoon, Milan, Moline, Peoria, Robinson, Rockford, Rock Island, Springfield, and Taylorville, Ill., St. Louis, Mo., and Bryan and Cincinnati, Ohio, for 180 days. Supporting shipper: Pepsi-Cola General Bottlers, Inc., 1745 North Kolmar Avenue, Chicago, Ill. 60639 (A. J. Croce, Purchasing Agent). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129974 (Sub-No. 1 TA), filed August 22, 1968. Applicant: THOMPSON BROS., INC., Toronto, S. Dak. 57268. Applicant's representative: Eugene Thompson, Pres. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used electrical supplies, such as used transformers, used regulators and used miscellaneous electrical supplies*, from Chicago, Ill., Indianapolis, Ind., Cincinnati, Ohio, Minneapolis, Minn., Louisville, Ky., St. Louis, Mo., Kansas City, Kans., Jacksonville, Ark., Houston, Tex., Des Moines and Council Bluffs, Iowa, Omaha, Nebr., and Los Angeles, Calif., to Colman, S. Dak., for 180 days. Supporting shipper: James R. Thompson, T & R Electric Supply Co., Inc., Box 180, Colman, S. Dak. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-10479; Filed, Aug. 29, 1968; 8:46 a.m.]

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