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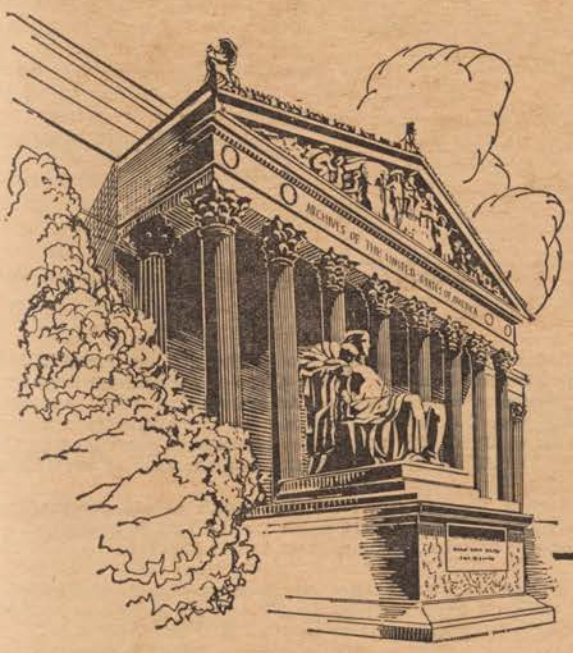

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

PART 338—QUALIFICATION REQUIREMENTS (GENERAL)

Miscellaneous Amendments

Sections 213.3101 and 338.202 are amended to place on a continuing basis the general restriction on summer employment in an agency of sons or daughters of employees or uniformed personnel of the agency, and to extend the restriction to all student employment.

Section 213.3102 (v) and (w) are amended to provide continuing authority for employment in furtherance of the Youth Opportunity Campaign including full-time employment in school vacation periods, with an overall limitation of 1,040 hours in a service year.

1. Effective on publication in the FEDERAL REGISTER §§ 213.3101 and 213.3102 are amended as set out below.

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

* * * * *

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for summer or student employment within the United States; except that this prohibition shall not apply to the appointment of persons who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, nor shall it apply when the appointment is necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property.

(c) An agency may appoint for summer employment within the United States in positions listed in Schedule A only in accordance with the terms of the Commission's summer employment program. This restriction does not apply to positions that are excepted only when filled by particular types of individuals.

(d) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school as distinguished from a correspondence student.

§ 213.3102 Entire Executive Civil Service.

* * * * *

(v) Temporary summer trainee positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledges or skills, when filled by persons appointed for summer employment in furtherance of the President's Youth Opportunity Campaign. A person may not be appointed unless he has reached his 16th but not his 22d birthday, or employed for more than 700 hours under this paragraph. This paragraph shall apply only to positions whose pay is fixed at the equivalent of the minimum wage rate established by the Fair Labor Standards Amendments of 1966 (currently $1.60 an hour), at the equivalent of an applicable State or municipal minimum wage rate if that is higher, or by prior agreement with the Commission, at some other rate, when an agency is precluded by law from fixing pay at one of the foregoing rates.

(w) Part-time or intermittent positions the duties of which involve work of a routine nature when filled by students appointed in furtherance of the President's Youth Opportunity Stay-in-School Campaign and when the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment in a resident secondary school or institution of higher learning, accredited by a recognized accrediting body; (2) employment does not exceed 16 hours in any calendar week (40 hours in any calendar week which falls within a vacation period) or 1,040 hours during a service year; (3) while employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer; (4) appointees need the earnings from the employment to continue in school; and (5) salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance. Appointments under this authority may not extend beyond 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed 1 year each if the conditions for initial appointment are still met. A person may not be appointed under this authority unless he has reached his 16th but not his 22d birthday. No new appointments may be made under this authority between May 1 and August 31, inclusive.

* * * * *

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

2. Effective on publication in the FEDERAL REGISTER § 338.202 is amended as set out below.

§ 338.202 Restriction on sons and daughters.

(a) An agency (including a military department) may appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, for summer or student employment within the United States only when (1) the position is filled from a list of eligibles established under a Commission examination, (2) there is no other available eligible with the same or higher rating, and (3) the appointment is not prohibited by section 3110 of title 5, United States Code, or Part 310 of this chapter relating to the employment of relatives.

(b) Paragraph (a) of this section shall not apply to the appointment of persons who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, nor shall it apply when the appointment is necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property.

(c) In this section "summer employment" means any employment beginning after May 12 which will end before October 1 of the same year. "Student employment" means the employment of persons who are enrolled or who have been accepted for enrollment, on a substantially full-time basis, as resident students of a secondary school or of an institution of higher learning; a resident student, for this purpose, is a student in actual physical attendance at a school, as distinguished from a correspondence student.

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

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

[F.R. Doc. 68–3952; Filed, Apr. 2, 1968; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (Consumer Food Programs), Department of Agriculture

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS

Appendix—Second Apportionment of School Breakfast Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1968

Pursuant to section 4 of the Child Nutrition Act of 1966, Public Law 89–642, 80 Stat. 886, food assistance funds available for the fiscal year ending June 30, 1968, are reapportioned among the States

as follows in order to effect a further apportionment of funds.

State	Total apportionment	State agency	Withheld for private schools
Alabama	$75,989	$74,139	$1,850
Alaska	7,500	7,500	
Arizona	57,714	54,944	2,770
Arkansas	64,395	64,395	
California	82,943	82,943	
Colorado	58,388	54,591	3,797
Connecticut	57,577	57,577	
Delaware	4,076	3,578	498
District of Columbia	51,378	51,378	
Florida	47,796	47,796	
Georgia	114,874	114,874	
Guam			
Hawaii	55,473	51,992	3,481
Idaho			
Illinois	75,529	75,529	
Indiana	69,709	69,709	
Iowa	46,204	38,308	7,896
Kansas	20,332	20,332	
Kentucky	188,092	188,092	
Louisiana	86,012	86,012	
Maine	34,671	28,386	6,285
Maryland	61,400	59,492	1,908
Massachusetts	59,349	59,349	
Michigan	76,979	65,562	11,417
Minnesota	69,696	61,231	8,465
Mississippi	72,682	72,682	
Missouri	10,799	10,799	
Montana	14,929	14,538	391
Nebraska	16,626	8,293	8,333
Nevada	2,500	2,500	
New Hampshire	12,000	12,000	
New Jersey	81,025	73,989	7,036
New Mexico	16,158	16,158	
New York	75,373	75,373	
North Carolina	138,407	138,407	
North Dakota	4,600	2,800	1,800
Ohio	425,810	415,680	10,130
Oklahoma	28,831	28,831	
Oregon	17,837	17,837	
Pennsylvania	96,716	74,807	21,909
Puerto Rico	73,380	73,380	
Rhode Island	19,570	19,570	
South Carolina	60,075	60,000	75
South Dakota	53,504	53,504	
Tennessee	126,216	125,000	1,216
Texas	90,514	87,058	3,456
Utah			
Vermont	8,000	8,000	
Virginia	75,680	75,359	321
Virgin Islands			
Washington	13,914	12,198	1,716
West Virginia	180,423	179,178	1,245
Wisconsin	66,009	53,679	12,330
Wyoming	14,001	14,001	
Samoa, American			
Total	3,261,655	3,143,330	118,325

(Secs. 2, 4, 6, 8 through 16, 80 Stat. 885–890; 42 U.S.C. 1771, 1773, 1775, 1777–1785)

Dated: March 28, 1968.

RODNEY E. LEONARD,
Administrator.

[F.R. Doc. 68-3948; Filed, Apr. 2, 1968; 8:45 a.m.]

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

[948.356 Amdt. 3]

PART 948—IRISH POTATOES GROWN IN COLORADO

Limitation of Shipments

Marketing Agreement No. 97, as amended, and Order No. 948, as amended (7 CFR Part 948), regulate the handling of Irish potatoes grown in the State of Colorado. They are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Findings. (a) Based upon the recommendation and information submitted by the Colorado Area No. 2 Committee, established pursuant to the said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) 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 is insufficient, (2) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. In § 948.356 (32 F.R. 12593; 33 F.R. 3343, 4452), paragraphs (a), (g), and (i) are hereby amended to read as follows:

§ 948.356 Limitation of shipments.

(a) *Minimum grade and size requirements.*—(1) *Round varieties.* U.S. No. 2, or better grade, 2⅛ 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.

* * * * *

(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.

* * * * *

(i) *Applicability to imports.* Pursuant to § 608e-1 of the act and § 980.1 *Import Regulations* (7 CFR 980.1), Irish potatoes of the red skinned type, except certified seed potatoes, imported into the United States during the period April 1 through June 30, 1968, shall meet the grade, size, quality, and maturity requirements of paragraphs (a) and (b) of this section.

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

Effective date. Issued April 1, 1968 to become effective April 1, 1968.

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

[F.R. Doc. 68-4067; Filed, Apr. 2, 1968; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1430—DAIRY PRODUCTS

Subpart—Milk and Butterfat Price Support Program

The U.S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1, 1968, through March 31, 1969, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein:

§ 1430.282 Price support program for milk and butterfat.

(a) (1) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1968, through March 31, 1969, at $4.28 per hundredweight for manufacturing milk and 66 cents per pound for butterfat.

(2) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk, and cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(3) Commodity Credit Corporation may, by special Announcements, offer to purchase other dairy products to support the price of milk and butterfat.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Procurement and Sales Division, Washington, D.C. 20250;
or
U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435.

(b) (1) CCC will consider offers of butter, cheddar cheese, and nonfat dry milk in bulk containers meeting specification in the Announcements, at the following prices:

Commodity and location	*Price per pound*
Butter:	
U.S. Grade A or higher:	
New York, N.Y., Jersey City and Newark, N.J	$0.6725
Seattle, Wash., and San Francisco, Calif., Alaska, Hawaii, California	.6650
Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina	.6625
U.S. Grade B 2 cents less than U.S. Grade A.	

	Produced before Apr. 1, 1968	Produced on and after Apr. 1, 1968
Cheddar cheese (standard moisture basis, 37.8–39.0 percent).[1]	0.4375	0.4700
Nonfat dry milk, spray process:		
100-pound bags with sealed closures.[2]	.1960	.2310
50-pound bags with sealed closures.[2]	.1985	.2335

[1] For cheese which is offered on a "dry" basis (less than 37.8 percent moisture) the price per pound shall be as indicated in Form ASCS–150. Copies are available in offices listed in (a)(4).

[2] If upon inspection the bags do not fully comply with specifications for sealed closures, the price paid will be subject to a discount of 0.002 (1/5) cent per pound for product packed in 100-pound bags and 0.0025 (1/4) cent per pound for product packed in 50-pound bags.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound, applicable to carlots of 60,000 pounds, gross weight, in effect when the offer is accepted from such location to such designated market. In the area consisting of Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, CCC will purchase only butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra Grade, except moisture content shall not exceed 3.5 percent. The cheddar cheese shall be U.S. Grade A or higher.

(d) The products shall be manufactured in the United States from milk produced in the United States, and shall be located in the United States and shall not have been previously owned by CCC.

Purchases will be made in carlot weights specified in the announcements. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

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

(Sec. 4(d), 62 Stat. 1070, as amended; 15 U.S.C. 7146(d))

ROLAND F. BALLOU,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68–3973; Filed, Mar. 29, 1968; 4:00 p.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

§ 1.210 Export-Import Bank promissory notes.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the short term discount promissory notes of the Export-Import Bank of the United States are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The Export-Import Bank of the United States (Eximbank) is authorized by law to borrow money in furtherance of its statutory functions. In an opinion of September 30, 1966, addressed to the Secretary of the Treasury the Attorney General of the United States ruled that Eximbank's guaranties of participation certificates and the other contractual liabilities it is authorized to incur under its governing statute are valid general obligations of the United States.

It is our conclusion, therefore, that promissory notes of the Export-Import Bank of the United States are obligations of the United States and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

Dated: March 28, 1968.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 68–3980; Filed, Apr. 2, 1968; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Terms "Unconditional" and "Lifetime" Guarantee

§ 15.204 Use of terms "unconditional" and "lifetime" guarantee.

(a) In an advisory opinion rendered to a watch manufacturer, the Commission ruled that a guarantee which has conditions and limitations, other than as to time, may not be represented as an "unconditional" guarantee. It also advised the requesting party that a guarantee which lasts for only 3 years cannot be described as a "lifetime" guarantee. Moreover, the Commission objected to the guarantee being described as "4-Ever".

(b) With respect to the claim "unconditional", the Commission said that it would be proper to claim that a product is "Unconditionally guaranteed for 3 years" if in fact no other conditions existed. However, where there are conditions other than time, such as were present in the case presented for review, the Commission said that it would be improper under section 5 of the FTC Act to claim that the guarantee is "unconditional". The reason for this, it was concluded, is that the term "unconditional" means there are no conditions attached, and it is a contradiction in terms rather than an attempt at modification to permit use of the claim "unconditional" provided the conditions are disclosed.

(c) Under the terms of the guarantee which was the subject of the Commission's opinion, the purchaser of the watch had the option to renew the original guarantee which expired at the end of 3 years by paying a service fee of $5 on an annual basis. By having to pay the $5 service fee, the Commission said, the purchaser no longer has a "lifetime guarantee" but a service or insurance policy which is renewable at his expense on an annual basis.

(d) The Commission also ruled that it is necessary to disclose the life being referred to whenever it is claimed that the duration of the guarantee is for a "lifetime". For example, is it the life of the original purchaser, the original user, or the life of the product, etc.? Thus, even if the requesting party resolved the first objection and offered a guarantee for life rather than for 3 years, it would still be necessary to disclose clearly and conspicuously the life to which reference was being made.

(e) In the opinion the Commission also objected to the term "4-Ever" because, contrary to fact, the product was not guaranteed forever.

(f) Finally, the Commission stated that it was not ruling upon the "waterproof" claim because it curently has under consideration a possible revision of trade practice rules relating to the term "Waterproofing" as applied to watches.

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

Issued: April 2, 1968.

By direction of the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68–3957; Filed, Apr. 2, 1968; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of a Computer System To Collect and Disseminate Marketing Data

§ 15.205 Use of a computer system to collect and disseminate marketing data.

(a) The Commission recently issued an advisory opinion concerning the legality of a proposal to employ computer and data processing equipment to collect and disseminate certain information in connection with marketing of ice-pack broilers. Sellers would feed into the system their asking prices and quantities available, and later report on actual sales, giving the prices and quantities sold. This information would be available to subscribers of the service, whether the subscribers are sellers, buyers, or members of the public. Subscribers would obtain the information by calling in to the central computer. Identity of all parties (sellers and buyers) would be kept secret from each other and from the public.

(b) The Commission advised the applicant that it has no objection to the proposed plan, provided it is not used for some illegal purpose. If the plan is used as a means for fixing or tampering with the price of poultry, or for some other illegal purpose, then the Commission would of course have serious objection to the plan.

(c) The Commission continued:

Statistical reporting plans which involve the collection and dissemination of data related to future prices are not illegal per se. However, expreience in other cases indicates that a price reporting plan which involves future or advance prices, particularly when that plan invites an industrywide pricing policy, may provide the basis for an inference of an agreement or combination to fix prices in violation of section 5 of the FTC Act. In essence, it is the potential danger inherent in the reporting plan which is related to future prices that prompts the Commission to suggest that it be used with extreme care.

Unless the Commission has previously rescinded this approval, you are directed, at the end of 3 years from the date of this opinion, to submit to the Commission a complete report on the actual operation of the program, describing how identity protection was maintained, and to include copies of your printed-out periodic reports and audits.

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

Issued: April 2, 1968.

By direction of the Commission.

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-3958; Filed, Apr. 2, 1968; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release IC-5330]

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

Exemption for Finance Subsidiaries

On December 7, 1967, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5186) (32 F.R. 240) that it had under consideration the adoption of Rule 6c–1 (§ 270.6c–1) under the Investment Company Act of 1940 ("Act") and invited all interested persons to submit their views and comments upon the proposal. A number of helpful comments were received in response to the release. After further consideration of the matter and consideration of all the comments received, the Commission has adopted the rule (§ 270.6c–1) with certain additions and modifications.

The rule (§ 270.6c–1) has been adopted pursuant to the authority granted to the Commission in section 6(c) of the Act. Section 6(c) (of the Act) provides that the Commission may conditionally or unconditionally exempt any person or class of persons from any provision or provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

The purpose of Rule 6c–1 (§ 270.6c–1) is to provide an automatic exemption for all finance subsidiaries which satisfy the requirements of the rule (§ 270.6c–1). Such companies are organized as subsidiaries of U.S.-based international corporations for the primary purpose of financing their foreign operations in a manner which would not adversely affect the balance of payments position of the United States. As Release No. 5186 explained, over 40 applications by these companies for exemption from the Act pursuant to section 6(c) (of the Act) have been processed in the last two years. Since the adoption of regulations placing mandatory restrictions on investment of U.S. capital abroad pursuant to the President's executive order of January 1, 1968, it is anticipated that many more United States corporations will find it necessary or desirable to establish finance subsidiaries.

After consideration of the comments received, the Commission has determined to adopt a rule which differs in certain respects from that published for comment. The principal revisions are discussed below.

The provision (formerly (b)(6) now renumbered paragraph (b)(7)) of the rule (§ 270.6c–1) which would have limited a finance subsidiary to investment in companies under the parent company's control has been changed to a requirement that 90 percent of the subsidiary's assets must be invested in companies in which the parent has at least a 10 percent equity interest. This change was made to allow the subsidiaries greater flexibility in financing the parent company's overseas operations. In the context of the other requirements of the rule (§ 270.6c–1) it is believed that this wider latitude will have no effects which might be in conflict with the purposes of the Act.

A new paragraph (b)(3) has been added to the rule (§ 270.6c–1) in response to requests from several commentators that the subsidiaries be allowed to distribute preferred stock. It was urged that the addition of preferred stock would increase the finance subsidiary's flexibility in raising capital. Paragraph (a)(1) (270.6c–1(a)(1)) has been changed to indicate that preferred stock may be offered, but it is specified that such stock be nonvoting so that the parent company will retain complete control of the subsidiary. Paragraph (b)(3) (§ 270.6c–1(b)(3)) describes the other required characteristics of any preferred stock which the finance subsidiary may offer. These characteristics make the preferred stock similar to the type of debt securities which the subsidiary may offer in that any such preferred stock would be supported by certain required guarantees of the parent company.

The Commission wishes to make it clear that so long as the terms of any underwriting agreement prohibit offers and sales to members of the public who are U.S. nationals and residents, transactions among U.S. underwriters and dealers participating in an initial distribution will not disqualify a subsidiary under paragraph (b)(4) of the rule (§ 270.6c–1).

The Commission will continue to consider on an individual basis the applicability of the Securities Act of 1933 (15 U.S.C. 77) and the Trust Indenture Act of 1939 (15 U.S.C. 77) to the securities of finance subsidiaries which qualify for the exemption from the Investment Company Act provided by Rule 6c–1 (§ 270.6c–1).

The text of Rule 6c–1 (§ 270.6c–1), adopted by the Commission pursuant to the authority granted to it in section 6(c) of the Investment Company Act, is as follows:

§ 270.6c–1 Exemption for subsidiaries organized to finance the foreign operations of domestic companies.

(a) For the purpose of this § 270.6c–1, a "finance subsidiary" shall mean any corporation:

(1) Organized under the laws of the United States or of a State, all of whose securities other than debt securities, nonvoting preferred stock meeting the requirements of paragraph (b)(3) of this section, or directors qualifying shares, are owned by a corporation organized under the laws of the United States or of a State (the "parent company"), or by a subsidiary of such parent company, provided neither the parent company nor the subsidiary is an investment company as defined in section 3(a) of the Act, and

(2) the primary purpose of which is to finance the foreign business operations of the parent company through the sale of the finance subsidiary's securities, including borrowings, outside the United States, and the organization of which is consistent with the President's program to improve the balance of payments position of the United States.

(b) A finance subsidiary shall be exempt from all provisions of the Act, subject to the conditions set forth in paragraph (c) of this section, *Provided:*

(1) The parent company is the issuer of a class of securities which have been registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) or exempted from such registration pursuant to (Rule 12g3–2(b)) § 240.12g 3–2(b) of this chapter under that Act;

(2) Debt securities of the finance subsidiary issued to or held by the public are guaranteed by the parent company as to payment of principal, interest and premium, if any, provided that the securities issued by the finance subsidiary may be subordinated in right of payment to other debt of the parent company;

(3) Any preferred stock of the finance subsidiary issued to or held by the public is unconditionally guaranteed by the parent company as to payment of dividends, payment of the liquidation preference in the event of liquidation, and payments to be made under a sinking fund, if a sinking fund is provided;

(4) Any public offering of the securities of the finance subsidiary is made pursuant to underwriting or distribution agreements, the terms of which prohibit the offer or sale thereunder of such securities to nationals or residents of the United States or its territories or possessions;

(5) Any securities of the finance subsidiary which are convertible or exchangeable shall only be convertible or exchangeable for securities of the parent company and such conversion or exchange shall not take place prior to 6 months from the date of issuance or such shorter period of time as the Secretary of the Treasury or his delegate may approve in writing to the finance subsidiary or the parent company;

(6) Upon completion of the long-term investment program of the finance subsidiary, at least 80 percent of its assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (or domestic companies, substantially all the business of which is conducted outside the United States);

(7) At least 90 percent of the assets of the finance subsidiary, exclusive of U.S. Government securities and cash items and short-term investments in foreign government and commercial paper, will be invested in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned, directly or indirectly, by the parent company, and any assets of the finance subsidiary not invested in such companies will only be invested in or loaned to companies which are customers or suppliers of the parent company or a subsidiary of the parent company; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of the parent company; and

(8) The finance subsidiary will not deal or trade in securities.

(c) The exemption applicable to any finance subsidiary which meets the requirements of paragraph (a) of this section shall be subject to the conditions that:

(1) At the time of their issuance the securities issued by the finance subsidiary would, if purchased by nationals or residents of the United States, its territories or possessions, be subject to the Interest Equalization Tax (Internal Revenue Code, chapter 41, sections 4911–4931) (26 U.S.C. 4911 et seq.) or another tax providing a comparable deterrent to the purchase of the finance subsidiary's securities by U.S. nationals or residents in the event the U.S. Interest Equalization Tax expires, is repealed or the rate thereof is reduced to zero, and such fact will be prominently indicated on such securities;

(2) The finance subsidiary will not issue, without an order of the Commission, any securities (except to its parent company or to a subsidiary of the parent company which is not an investment company) in the event the U.S. Interest Equalization Tax expires, is repealed or the rate thereof is reduced to zero and such tax is not replaced by another comparable tax.

(Sec. 6(c), 73 Stat. C 74, 15 U.S.C. 80a–6)

Since the foregoing rule (§ 270.6c–1) establishes an exemption from the requirements of the Act the Commission finds that notice and procedure pursuant to the Administrative Procedure Act (5 U.S.C. 19) are unnecessary and that the rule may be made effective immediately upon publication. Accordingly the Rule shall become effective March 25, 1968.

By the Commission. (Commissioner Budge did not concur in this action.)

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

MARCH 25, 1968.

[F.R. Doc. 68–3944; Filed, Apr. 2, 1968; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

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

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2258) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, has concluded that the food additive regulations should be amended to remove a restriction on the use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant in olefin polymer film, which restriction limited such film to an average maximum thickness of 0.0015 inch.

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 by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2566 *Antioxidants and/or stabilizers for polymers* is amended in the list of substances in paragraph (b) by deleting under "Limitations" for the item "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" the last sentence reading "The average thickness of such olefin polymer film shall not exceed 0.0015 inch."

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: March 25, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-3974; Filed, Apr. 2, 1968; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

LACTYLATED FATTY ACID ESTERS OF GLYCEROL AND PROPYLENE GLYCOL

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8A2218) filed by The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio 44115, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of lactylated fatty acid esters of glycerol and propylene glycol as emulsifiers, plasticizers, or surface-active agents in food. 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 by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 120 is amended by adding to Subpart D the following new section:

§ 121.1122 Lactylated fatty acid esters of glycerol and propylene glycol.

The food additive lactylated fatty acid esters of glycerol and propylene glycol may be safely used in food in accordance with the following prescribed conditions:

(a) The additive is a mixture of esters produced by the lactylation of a product obtained by reacting edible fats or oils with propylene glycol.

(b) The additive meets the following specifications: Water insoluble combined lactic acid, 14–18 percent; and acid number, 12 maximum.

(c) It is used in amounts not in excess of that reasonably required to produce the intended physical effect as an emulsified, plasticizer, or surface-active agent in food.

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: March 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-3975; Filed, Apr. 2, 1968; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6; INS–1, 10th Rev.]

INS–1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1968, Midnight, Eastern Standard Time, INS–1 is hereby revised to read as follows:

Sec.
1. Purpose.
2. Insurer.
3. Assured.
4. Vessels insured and terms of insurance.
5. Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
6. Issuance of policies or certificates by Underwriter.
7. Insurance premiums.
8. Reports of accidents and occurrences.
9. Settlement of claims.
10. Litigation and employment of counsel.
11. Report of claims.
12. Application and interpretation of this order.

AUTHORITY: Sections 1 to 12, issued under Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.

Section 1 Purpose.

Effective as of March 31, 1968, midnight, e.s.t., this order prescribes instructions with respect to the placing of commercial marine protection and indemnity (referred to as "P & I") insurance and the handling of claims of a P & I insurance nature, required to be followed by General Agents and Berth Agents under General Agency Agreements and Berth Agency Agreements, respectively, with the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce (referred to as "Owner").

Sec. 2 Insurer.

National Indemnity Co., (hereinafter referred to as "underwriter"), entered into an insuring agreement with the owner covering the period from March 31, 1968, midnight, e.s.t., to March 31, 1969, midnight, e.s.t.

Sec. 3 Assured.

The assureds are (a) the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce, and (b) its General Agents and Berth Agents, and Subagents acting on behalf of either.

Sec. 4 Vessels insured and terms of insurance.

The Underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to as "MSTS"), for a period of 1 year from midnight, e.s.t., March 31, 1968, at an annual rate of $3.715 per gross registered ton on a daily pro rata basis, attaching as provided in section 5(a), (b), (c), (d), (e), and (g) and terminating as of midnight, e.s.t., March 31, 1969, or in accordance with section 5(c) and (f). This insurance covers the vessel's liability of a P & I insurance nature except for any loss, damage or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be $250,000 for each accident or occurrence per vessel, with a deduction of $1,000 for each accident or occurrence resulting in personal injury, illness, or death, and $500 for each accident or occurrence of other types except "putting in," burial expenses, and damage to docks, buoys, etc. Claims for "putting in," burial expenses, and damage to docks, buoys, etc. are not subject to any deduction. The Underwriter has agreed to accept liability not to exceed $500 for burial expenses.

Sec. 5 Assumption of risk by owner and attachment and cancellation dates of commercial insurance.

(a) *Vessels allocated and delivered to General Agents at fleet site under General Agency Agreement 3–19–51 (amendment 11–65) and Addendum thereto.* When vessels are allocated and delivered to General Agents at fleet site, the Owner will assume the risks of a P & I insurance nature from the date and hour of the vessel's delivery to the General Agent at fleet site to 12:01 a.m. (local time) of the day the vessel is accepted by MSTS, or until 12:01 a.m. (local time) of the date of initial signing on of crew under articles (not the effective date in the event articles are dated prior to or later than the initial signing on), or until 12:01 a.m. (local time) of the day the vessel leaves the reactivation yard for the purpose of undergoing sea trials, whichever shall occur first. As of that time, the P & I risks shall be commercially insured with the Underwriter,

and the General Agents shall arrange to have the insurance so attached.

(b) *Vessels delivered from bareboat charter and allocated for operation under General Agency Agreement 3–19–51 (amendment 11–65) and Addendum thereto.* When vessels are delivered from bareboat charter and delivered to General Agents for operation under General Agency Agreement 3–19–51, the P & I insurance risks shall be commercially insured with the Underwriter and the General Agents shall arrange to have P & I insurance attached as of the date and hour of the vessel's delivery under the Agreement.

(c) *Vessels transferred from one General Agent to another under General Agency Agreement 3–19–51 (amendment 11–65) and Addendum thereto.* When a vessel is withdrawn from operation under one General Agent and allocated to another for operation, the respective General Agents shall, unless advised to the contrary, arrange with the Underwriter for the termination and reattachment of P & I insurance as of the respective dates and hours of redelivery and delivery of the vessel from and to the respective General Agents.

(d) *New vessels allocated and delivered under General Agency Agreement 3–19–51 (amendment 11–65) and Addendum thereto.* When new vessels are allocated and delivered to General Agents directly from the builder's yard, the General Agents shall, unless advised to the contrary, arrange for commercial P & I insurance with the Underwriter to have the insurance attach as of the date and hour of the vessel's delivery under the Agreement.

(e) *Vessels presently in operation under General Agency Agreement 3–19–51 (amendment 11–65) and Addendum thereto.* In respect to the vessels in operation on the effective date of the new P & I insurance contract, the General Agents shall immediately declare such vessels to the Underwriter, and the insurance shall attach on each such vessel in accordance with the new P & I insurance contract as of midnight, e.s.t., March 31, 1968.

(f) *Vessels redelivered to reserve fleets.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight (local time) of the day the vessel is redelivered to the fleet site, whether in reduced operational status or for permanent lay up.

(g) *Vessels in reduced operational status and again delivered to General Agents for operation.* General Agents shall reattach the commercial P & I insurance on those vessels as of 12:01 a.m. (local time) of the day that the vessels are delivered to the General Agents at fleet site.

(h) *Notice of attachment and termination of insurance.* General Agents shall promptly notify the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section.

Sec. 6 Issuance of policies or certificates by underwriter.

The Underwriter, upon receipt of applications from General Agents, will arrange for execution and delivery of the policies and/or certificates to such General Agents with respect to each vessel named in such applications. The Underwriter will also furnish such copies of policies and/or certificates as may be required by the Owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Department of Commerce, Washington, D.C. 20235. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

Sec. 7 Insurance premiums.

(a) *Payment of premiums.* Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to the date of expiration. Brokerage, if any, shall be allowed, but in no event to exceed one-half percent of the annual premiums for each commenced quarter.

(b) *Return premiums.* Each General Agent shall be responsible for collection or obtaining credit for return premiums provided for in the current policy for all vessels insured with the Underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the Underwriter; the originals thereof shall be filed in the General Agent's office subject to inspection by the Owner's auditors, and shall be retained until completion of audit. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235.

Sec. 8 Reports of accidents and occurrences.

(a) *Reports to underwriter.* All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance, as provided in sec. 5 hereof, shall be promptly reported by General Agents to the Underwriter, together with all available information. The General Agents shall also obtain the names of the Underwriter's outport representatives and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assistance as may be required under the circumstances.

(b) *Reports to owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance, as provided in sec. 5 hereof, shall be reported to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235.

Sec. 9 Settlement of claims.

(a) *On risks insured under commercial marine protection and indemnity policies.* General Agents of vessels described are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the Underwriter's approval of the proposed settlements and, immediately after payment in full, or of any portion thereof over the applicable deductions, make formal claim for reimbursement from the Underwriter. All claims which do not exceed the deduction in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or on behalf of the Owner, or its General Agents and Berth Agents or their Subagents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of vessel operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the Underwriter, and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration, as set forth in sec. 5 hereof, without prior approval, provided the proposed settlement amount of each claim does not exceed $1,000. If the proposed settlement amount of any such claim exceeds $1,000, the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in

paragraph (a) of this section insofar as applicable.

(c) *Claims declined by underwriters.* Any claim of a P & I insurance nature, which has been declined by this Underwriter, or by any other Underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, for review and further instruction.

Sec. 10 Litigation and employment of counsel.

(a) As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington, D.C. 20235 and to the Attorney General, Admiralty, and Shipping Section, Department of Justice, Washington, D.C. 20530. No General Agent, Berth Agent, or Subagent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the Underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

(b) In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Maritime Administration representative or the General Counsel, Maritime Administration, Washington, D.C. 20235.

Sec. 11 Report of claims.

(a) All General Agents shall submit to the Chief, Division of Insurance, Office of Finance, Martime Administration, Washington, D.C. 20235, quarterly reports of all claims, listed separately by vessel, as per the attached form.

(b) The first of such reports shall cover the period from April 1, 1968, through June 30, 1968, and shall be submitted within thirty (30) days after said period. Subsequent reports shall be submitted within thirty (30) days after the conclusion of each quarterly period thereafter. A claim previously reported as closed need not be reported on subsequent statements unless it is reopened.

Sec. 12 Application and interpretation of this order.

General Agents shall communicate directly with the Chief, Division of Insurance, Office of Finance, Maritime Administration, Washington, D.C. 20235, regarding all questions of application, interpretation, or intent of this order.

Since the foregoing, without material change, was sent direct to interested persons it is found, for good cause shown, to be impracticable and unnecessary to delay the effective date; therefore, in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 553), this 10th Revision shall be effective as aforesaid.

Approved: March 29, 1968.

J. W. GULICK,
Acting Director,
National Shipping Authority.

Vessel	Name of injured or claimant	Nature and date of injury, loss, or damage	Amount(s) paid if any	Date and amount of billing to underwriter	Date and amount of reimbursement received from underwriter	Estimated future cost	Status and/or remarks
Insured claims paid or pending during reporting period							
Assumed risk claims paid or pending during reporting period							

[F.R. Doc. 68-4039; Filed, Apr. 2, 1968; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

PART 17—MEDICAL

Grants to the Republic of the Philippines

1. The centerhead "Grants to the Republic of the Philippines" and §§ 1.600 through 1.627 are revoked.

§§ 1.600 through 1.627 [Revoked]

2. In § 17.30, paragraphs (t) and (u) are added to read as follows:

§ 17.30 Definitions.

* * * * *

(t) *Commonwealth Army veteran.* The term "Commonwealth Army veteran" means any person who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces of the United States, pursuant to the military order of the President of the United States dated July 26, 1941, including among such military forces organized guerilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who was discharged or released from such service under conditions other than dishonorable.

(u) *New Philippine Scout.* The term "new Philippine Scout" means any person who served in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who was discharged or released from such service under conditions other than dishonorable.

3. Section 17.36 is revised to read as follows:

§ 17.36 Hospital care and medical services in foreign countries other than the Philippines.

No person shall be entitled to receive hospital or domiciliary care or medical services in a foreign country other than the Republic of the Philippines, except as provided in paragraphs (a) and (b) of this section:

(a) Hospital care or medical services for otherwise eligible veterans who are citizens of the United States sojourning or residing abroad and in need of treatment for an adjudicated service-connected disability, or non-service-connected disability associated with and held to be aggravating a service-connected disability.

(b) Hospital care or medical services for a veteran who has been found in need of vocational rehabilitation, and for whom an objective has been selected, or who is pursuing a course of vocational rehabilitation training, and who is medically determined to be in need of care or treatment for any of the following reasons:

(1) To make possible his entrance into a course of training; or,

(2) To prevent interruption of a course of training; or

(3) To hasten the return to a course of training of a veteran in interrupted or leave status, when a cessation of instruction has become necessary because of illness, injury, or a dental condition.

4. Sections 17.37 through 17.42 are added to read as follows:

§ 17.37 Hospital care in the Philippines in facilities other than Veterans Memorial Hospital.

Hospital care may be authorized in the Republic of the Philippines in facilities other than the Veterans Memorial Hospital for any veteran, if:

(a) *For U.S. veterans.* He is a U.S. veteran and is eligible for hospital care under § 17.47 (a) or (b), or a veteran who has been found in need of vocational rehabilitation, and for whom an object has been selected, or who is pursuing a course

of vocational rehabilitation training, and hospital care has been determined necessary for any of the reasons enumerated in § 17.36(b), or

(b) *For Commonwealth Army veterans.* He is a Commonwealth Army veteran in need of hospital care for service-connected disability or non-service-connected disability associated with and held to be aggravating a service-connected disability and (1) facilities in the Veterans Memorial Hospital are being used to the maximum extent feasible in hospitalizing such veterans, or (2) he is suffering from leprosy, or (3) use of the facility is required in emergency circumstances.

§ 17.38 Hospital care at Veterans Memorial Hospital, Philippines.

Hospital care at the Veterans Memorial Hospital, Quezon City, Republic of the Philippines, may be authorized by the U.S. Veterans Administration pursuant to the terms and conditions set forth in §§ 17.350 through 17.370, for the following persons:

(a) *For Commonwealth Army veterans.* Care at the Veterans Memorial Hospital may be authorized for any Commonwealth Army veteran, if:

(1) He is in need of care for a service-connected disability or non-service-connected disability associated with and held to be aggravating a service-connected disability, or

(2) He is in need of care for non-service-connected disability and is unable to defray the expenses of such care and so states under oath, or

(b) *For new Philippine Scouts.* Care at the Veterans Memorial Hospital may be authorized for any person who served as a new Philippine Scout, if:

(1) He is in need of care for a service-connected disability or non-service-connected disability associated with and held to be aggravating a service-connected disability, or

(2) He enlisted before July 4, 1946, and qualifies as a veteran of a war, he is in need of care for non-service-connected disability, and he is unable to defray the expenses of such care and so states under oath.

(c) *For U.S. veterans.* Care at the Veterans Memorial Hospital may be authorized for any veteran of service in the Armed Forces of the United States (including veterans of service in the Philippine Scouts under laws in effect prior to the enactment of section 14 of the Armed Forces Voluntary Recruitment Act of 1945), who is eligible for hospital care under § 17.47 (a), (b), (c), or (d).

§ 17.39 Outpatient care in the Philippines for United States veterans.

Outpatient care in the Republic of the Philippines may be authorized for any U.S. veteran eligible for such care under § 17.60 (except outpatient care in preparation for or to complete hospital treatment for non-service-connected disability.)

§ 17.40 Outpatient care for Commonwealth Army veterans and new Philippine Scout veterans.

Outpatient care may be authorized for any Commonwealth Army veteran or new Philippine Scout veteran for the treatment of a service-connected disability, or for a non-service-connected disability associated with and held to be aggravating a service-connected disability.

§ 17.41 Transportation for Commonwealth Army and new Philippine Scout veterans.

Transportation may be furnished for any Commonwealth Army veteran or new Philippine Scout veteran eligible for treatment at the Veterans Memorial Hospital, or Veterans Administration Regional Office, Manila, if authorized in advance by the U.S. Veterans Administration.

§ 17.42 Additional services for indigents.

In addition to the usual medical services agreed upon between the governments of the United States and the Republic of the Philippines to be made available to patients for whom the Veterans Administration has authorized care at the Veterans Memorial Hospital, any such patient determined by the U.S. Veterans Administration to be indigent or without funds may be furnished toilet articles and barber services, including haircutting and shaving necessary for hygienic reasons.

5. In § 17.49(a)(3)(i), subdivision (c) is amended and paragraph (c) is revoked to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital and domiciliary care.

(a) *Priorities for hospital care.* * * *

(3) *Priority groups.* (i) Group I includes:

* * * * *

(c) A veteran who has been found in need of vocational rehabilitation, and for whom an objective has been selected, or who is pursuing a course of vocational rehabilitation training, and such care is medically determined necessary for any of the reasons enumerated in § 17.36(b).

* * * * *

(c) [Revoked]

6. In § 17.50, paragraph (b)(1) is amended to read as follows:

§ 17.50 Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.

* * * * *

(b) (1) Private facilities will not be used for hospitalization of beneficiaries except when facilities under direct and exclusive jurisdiction of the Veterans Administration or other Government facilities under agreement are not feasibly available or when the physical or mental condition of beneficiaries will not allow of their transfer thereto from a private, State, or municipal hospital. Beneficiaries in need of treatment of an emergent condition arising from a service-connected or adjunct non-service-connected condition which is associated with and held to be aggravating disability from a disease or injury service connected or service aggravated, or treatment of a veteran who has been found in need of training authorized under 38 U.S.C. Ch. 31, and for whom an objective has been selected, or who is pursuing a course of vocational rehabilitation training, and such care is medically determined necessary for any of the reasons enumerated in § 17.36(b) may be authorized hospitalization in any private, State, or municipal hospital, preferably one under contract. In such medically emergent cases authorization of admission to a private, State, or municipal hospital may be given, subject to the conditions stipulated in subparagraph (2) of this paragraph and, when so given, will be authority for payment of vouchers covering the cost of such hospitalization. Hospitalization of beneficiaries in a private, State, or municipal hospital under contract may also be authorized for treatment of (i) a non-emergent service-connected or adjunct condition; (ii) that condition determined as incurred or aggravated in line of duty in active Federal service and for which the applicant was discharged under conditions other than dishonorable, provided service connection for such disability has not been denied by the Veterans Administration; and (iii) a non-emergent non-service-connected condition of a veteran who has been found in need of training authorized under 38 U.S.C. Ch. 31, as amended, and for whom an objective has been selected, or who is pursuing a course of vocational rehabilitation training, and such care is medically determined necessary for one of the reasons enumerated in § 17.36(b), provided facilities under direct and exclusive jurisdiction of the Veterans Administration or other Government facilities under agreement are not feasibly available.

* * * * *

7. In § 17.60, paragraph (c) is amended to read as follows:

§ 17.60 Outpatient care for veterans.

* * * * *

(c) *For veterans entitled to vocational rehabilitation.* A veteran who has been found in need of training authorized under 38 U.S.C. Ch. 31, and for whom an objective has been selected or who is pursuing vocational rehabilitation training is entitled to such medical services as are medically determined necessary for any of the reasons enumerated in § 17.36(b). A veteran in need of such training may also be furnished in a clinic operated by the Veterans Administration any examination or immunization necessary to qualify him for admission to a training facility, except the Department of Medicine and Surgery may not authorize incidental transportation.

* * * * *

8. In § 17.120, paragraph (f) is amended to read as follows:

§ 17.120 Authorization of dental examinations.

* * * * *

(f) Veterans requiring dental examination for determination of necessity of dental treatment and who have been found in need of training authorized under 38 U.S.C. Ch. 31, and for whom an objective has been selected or who are pursuing vocational rehabilitation training are entitled to such dental services as are professionally determined necessary for any of the reasons enumerated in § 17.36(b).

* * * * *

9. In § 17.123, paragraph (f) is amended to read as follows:

§ 17.123 Authorization of outpatient dental treatment.

* * * * *

(f) *Class V.* A veteran who has been found in need of training authorized under 38 U.S.C. Ch. 31, and for whom an objective has been selected or who is pursuing vocational rehabilitation training may be authorized such dental services as are professionally determined necessary for any of the reasons enumerated in § 17.36(b).

* * * * *

10. A new centerhead and §§ 17.350 through 17.353, 17.355, and 17.360 through 17.370 are added to read as follows:

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

§ 17.350 The program of assistance to the Philippines.

The provisions of this section through § 17.370 are applicable to grants to the Republic of the Philippines and to furnishing medical services under §§ 17.37 through 17.42, and implement the "Agreement between the Government of the United States of America and the Government of the Republic of the Philippines on the Use of the Veterans Memorial Hospital and the Provision of Inpatient and Outpatient Medical Care and Treatment of Veterans by the Government of the Philippines and Furnishing of Grants-in-Aid Thereof by the Government of the United States of America," dated April 25, 1967 (Treaties and Other International Acts Series 6248), and a subsidiary agreement of the same date, both of which were entered into pursuant to the provisions of 38 U.S.C. 631–634. All such implementing regulations have been approved by the Director of the Bureau of the Budget.

§ 17.351 Grants for the replacement and upgrading of equipment at Veterans Memorial Hospital.

Grants to assist the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of the Veterans Memorial Hospital, which the Administrator may make under the authority cited in § 17.350, shall be subject to such terms and conditions as he may prescribe. Among such terms and conditions to which the grants will be subject, will be advance approval by the U.S. Veterans Administration of equipment purchases, maintenance or repair projects. The awarding of such grants is further subject to the limitations on available funds in § 17.352.

§ 17.352 Amounts and use or grant funds for the replacement and upgrading of equipment.

Grants awarded under § 17.351 shall not exceed the amounts provided by the appropriation acts of the Congress of the United States for that purpose. Funds appropriated for the upgrading and replacement of equipment at the Veterans Memorial Hospital, or for rehabilitating its equipment, shall remain available in consecutive fiscal years until expended but in no event shall exceed the total amount of $500,000. It is not intended that such funds will be utilized to expand the hospital facilities. Upgrading of equipment, however, would permit purchase of new and additional equipment not now possessed by the hospital.

§ 17.353 Grants for research and training.

Grants to the Republic of the Philippines to assist the Veterans Memorial Hospital in medical research and the training of health service personnel, which the Administrator may make under the authority cited in § 17.350, shall be subject to such terms and conditions as he shall prescribe. Among such terms and conditions to which the grants will be subject will be U.S. Veterans Administration approval of all research protocols, principal investigators, and training programs to be supported by grant funds. Grants under this section shall not exceed the amounts provided by the appropriation acts of the Congress of the United States for such purpose and in no event shall exceed $100,000 for each fiscal year during the 6 years beginning with fiscal year 1967.

§ 17.355 Awards procedures.

All applications for grants to the Republic of the Philippines under the provisions of § 17.351 or § 17.353 shall be submitted to the Chief Medical Director who shall prepare and forward to the Administrator final recommendations as to the nature of the action to be taken.

§ 17.360 Payments for medical care in lieu of grants.

Subject to the provisions of §§ 17.361 through 17.370, payments, in lieu of grants for reimbursement of medical expenses, may be made for hospital care, outpatient care, and transportation furnished Commonwealth Army veterans or new Philippine Scout veterans in connection with treatment at the Veterans Memorial Hospital (or at a facility under contract or subcontract) authorized under § 17.37(b), 17.38 (a) or (b), 17.40, or 17.41. Costs for outpatient care shall be segregated from inpatient care costs. Hospital costs shall be computed on the basis of per diem costs as agreed upon for each fiscal year by the Government of the United States and the Government of the Republic of the Philippines, and the expenses for services, supplies, and other items to be included in the per diem rate shall be as agreed upon by the two governments.

§ 17.361 Limitations on payments for medical care.

Payments in lieu of grants under § 17.360 shall not exceed the amounts provided by the appropriation acts of the Congress of the United States for such purpose, and in no event shall exceed $1,200,000 for fiscal year 1967, or $2 million for any single fiscal year thereafter. In determining these limitations, the following costs shall be excluded:

(a) All medical care and transportation costs incurred in connection with authorized treatment at the Veterans Memorial Hospital of United States veterans shall be excluded, and

(b) All medical care and transportation costs incurred in connection with outpatient treatment authorized under § 17.40 for Commonwealth Army or new Philippine Scout veterans shall be excluded.

§ 17.362 Acceptance of medical supplies as payment.

Upon request of the Government of the Republic of the Philippines, payment for medical services for which payment may be authorized under § 17.360, may consist in whole or in part, of available medicines, medical supplies, or equipment furnished by the Veterans Administration to the Veterans Memorial Hospital at valuations determined by the Administrator. Such valuations shall not be less than the cost of the items and shall include the cost of transportation, arrastre, brokerage, shipping, and handling charges.

§ 17.363 Length of stay.

In computing the length of stay for which payment will be made, the day of admission will be counted, but not the day of discharge, death, or transfer. When a veteran for whom hospitalization has been authorized in Veterans Memorial Hospital or a contract facility is absent from the hospital for a period longer than 24 hours, no payment will be made for hospital care during his absence.

§ 17.364 Eligibility determinations.

Determinations of legal eligibility and medical need for hospitalization of Commonwealth Army veterans and new Philippine Scout veterans for treatment rests exclusively with the U.S. Veterans Administration. Determinations as to various factors upon which eligibility may depend shall be made as follows:

(a) *Determinations of service connection.* For the purpose of meeting any requirement in §§ 17.37 through 17.41 for service-connected disability, the U.S. Veterans Administration shall determine that under laws it administers the disability in question was incurred in or aggravated by service, and

(b) *Determinations of valid service.* For the purpose of determining the necessary prerequisite service, determinations by the Department of Defense of the United States as to military service shall be accepted. This includes determinations involving questions as to whether guerilla service may be recognized. In those cases in which the U.S. Veterans Administration shall have information which it deems reliable and in conflict with the information upon which the Department of Defense determination was made, the conflicting information shall be referred to the Department of Defense for reconsideration and redetermination. Such determinations and redeterminations as to military service shall be conclusive.

§ 17.365 Admission priorities.

In determining admissions or transfers of eligible Commonwealth Army veterans, New Philippine Scout veterans and U.S. veterans to Veterans Memorial Hospital, and in determining discharges, the following priorities shall be observed:

(a) First priority shall be given to the admission and retention of eligible Commonwealth Army veterans in need of care for service-connected disability or non-service-connected disability associated with and held to be aggravating a service-connected disability, and

(b) Second priority shall be given to the admission and retention of new Philippine Scout veterans and U.S. veterans who are in need of treatment for service-connected disabilities on non-service-connected disabilities associated with and held to be aggravating a service-connected disability, and

(c) Third priority shall be given the admission or retention of Commonwealth Army veterans, new Philippine Scout veterans and U.S. veterans with wartime service in need of hopsital care for non-service-connected disabilities.

§ 17.366 Authorization of emergency admissions.

The Secretary of National Defense of the Republic of the Philippines shall make determinations as to whether any patient should be admitted in emergency circumstances before the U.S. Veterans Administration has made a legal determination of eligibility, except that liability for payment will not accrue to the United States until such eligibility determination has been made. Eligibility determinations will be given effect retroactively to the date of admission when the U.S. Veterans Administration has been notified by telephone, telegram, letter, or other communication of the emergency admission within 72 hours of the hour of admission. The Clinic Director of the VA Regional Office, Manila, may make an exception to the 72-hour limitation when he determines delay in notification was fully justified. When any authorization cannot be made effective retroactively to the date of admission, it shall be effective from the date of receipt of notification.

§ 17.367 Republic of the Philippines to print forms.

The Secretary of National Defense of the Republic of the Philippines will, with the concurrence of the Administrator, print all forms for applications for hospitalization, forms for physical examination reports, forms for billings for services rendered, and such other forms as may be necessary and incident to the efficient execution of the program governed by the provisions of §§ 17.37 through 17.42 and 17.350 through 17.370. The forms will be used whenever applicable in the general operation of the program.

§ 17.368 Use of subcontract or contract facilities.

The Secretary of National Defense of the Republic of the Philippines or his designee may, with the concurrence of the United States Veterans Administration, subcontract the hospital care and treatment of any Commonwealth Army veteran suffering from leprosy which is service connected or which is associated with and held to be aggravating a service-connected disability. Hospital care in the Republic of the Philippines of Commonwealth Army veterans in need of care for other service-connected disabilities shall not be limited to the Veterans Memorial Hospital, but the facilities at the Veterans Memorial Hospital shall be used to the maximum extent feasible.

§ 17.369 Inspections.

The U.S. Veterans Administration, through authorized representatives, has the right under the agreements cited in § 17.350, to inspect the Veterans Memorial Hospital, its premises and all appurtenances and records to determine completeness and correctness of such records, and to determine according to the provisions of the cited agreements whether standards maintained conform to the necessary requirements.

§ 17.370 Termination of payments.

Payments may be terminated if the U.S. Veterans Administration determines the Veterans Memorial Hospital has not replaced and upgraded as needed equipment during the period in which the agreements cited in § 17.50 are in effect or has not rehabilitated the existing physical plant and facilities to place the hospital on a sound and effective operating basis, or has not maintained the hospital in a well-equipped and effective operating condition. Payments, however, will not be stopped unless the Veterans Memorial Hospital has been given at least 60 days advance written notice of intent to stop payments.

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

These VA regulations are effective April 25, 1967.

Approved: March 28, 1968.

By direction of the Administrator.

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

[F.R. Doc. 68-3949; Filed, Apr. 2, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3–60—CONTRACT APPEALS

Subpart 3–60.1—Contract Appeals

Subpart 3–60.2—Appeal Procedures

Subpart 3–60.1, Contract Appeals, of Chapter 3 of Title 41 of the Code of Federal Regulations is revised to read as follows:

Sec.
3–60.100 Scope of subpart.
3–60.101 Designation.
3–60.102 Rules.

§ 3–60.100 Scope of subpart.

This subpart relates to the designation by the Department of Health, Education, and Welfare of the Armed Services Board of Contract Appeals (ASBCA) to hear and decide appeals under the Disputes clause of contracts.

§ 3–60.101 Designation.

The ASBCA is designated the authorized representative of the Secretary to hear and determine appeals by contractors from final decisions of contracting officers arising under disputes provisions of contracts awarded by the Department of Health, Education, and Welfare.

§ 3–60.102 Rules.

The rules set forth in 32 CFR 30.1 (Appendix A), Part 2 (Rules of the Armed Services Board of Contract Appeals), will govern, with the following exceptions:

(a) References to military departments and Secretaries thereof are amended to refer to the Department of Health, Education, and Welfare, and the Secretary of the Department of Health, Education, and Welfare.

(b) Rule 3 entitled "Forwarding of Appeals" and Rule 4, "Duties of the Contracting Officer" are superseded by the rules set forth below:

Rule 3 (HEW). Forwarding of Appeals. When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the ASBCA with copies to the Office of General Counsel and the Procurement Management Division, Department of Health, Education, and Welfare. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer and the Office of General Counsel will be advised promptly of its receipt, and the contractor will be furnished a copy of these rules and the rules of the ASBCA.

Rule 4 (HEW). Duties of the Contracting Officer. Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the Procurement Management Division three copies of all documents pertinent to the appeal and shall send one copy

of the documents to the Office of General Counsel, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(2) The contract, and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data pertinent to the appeal;

(4) Such additional information as may be considered material.

The Procurement Management Division will compile an appeal file from such documents, which file must contain the items enumerated in paragraphs (1) through (4) above, and will promptly, and in any event within 60 days after the appeal is docketed by the Board, transmit the appeal file to the Board. The Procurement Management Division will notify the appellant when it has compiled the appeal file, will provide him with a list of its contents and will afford him an opportunity to examine the complete file at the Office of the Board or at the office of the contracting officer for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. After receipt of the foregoing file as it may be augmented at the time of receipt, the Board will promptly advise the parties.

§§ 3–60.201—3–60.213 [Revoked]

Subpart 3–60.2 of Chapter 3 of Title 41 of the Code of Federal Regulations is revoked.

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

Dated: March 28, 1968.

JOHN D. R. COLE,
Acting Assistant Secretary for Administration.

[F.R. Doc. 68–3979; Filed, Apr. 2, 1968; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68–329]

PART 0—COMMISSION ORGANIZATION

Order Regarding Revocation of Licenses in Safety and Special Radio Services

In the matter of amendment of Part 0 of the Commission's rules regarding the maintenance of dockets in hearing proceedings for revocation of licenses in the Safety and Special Radio Services.

1. The Commission has under consideration the desirability of changing its procedures concerning the maintenance of docket files in hearing proceedings instituted by show cause orders looking to the revocation of licenses in the Safety and Special Radio Services. Currently, upon the issuance of the show cause order, the Secretary, through the Dockets Division, establishes a docket file and thereafter maintains it as is done with other hearing matters. However, in the overwhelming majority of cases in the Safety and Special Radio Services the respondents waive hearings, whereupon the hearing portions of the proceedings are terminated.

2. No useful purpose is served by establishing a docket file in those instances where hearings are waived. Greater efficiency in the Commission's operations would be promoted and the public interest would be served if a docket file were not established until respondent requested a hearing. Accordingly, we are changing our procedures so that the official records of revocation proceedings against licensees in the Safety and Special Radio Services instituted by show cause orders issued after the effective date of the rules adopted herein shall be maintained by the Chief, Safety and Special Radio Services Bureau, and shall not be docketed unless and until respondent files a timely notice of appearance and request for a hearing.

3. Descriptions of the functions of, and delegations of authority to, the Chief, Safety and Special Radio Services Bureau, and the Secretary, and of where records are kept are set forth in Part 0 of the Commission's rules, which we are, accordingly, hereby amending to reflect the said change in procedure.

4. Authority for the amendments adopted herein is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended. The amendments adopted herein are procedural in nature and relate to agency organization, and, hence, the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable.

5. *It is ordered,* effective April 5, 1968, that Part 0 of the Commission's rules is amended as set forth below.

Adopted: March 27, 1968.

Released: March 29, 1968.

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

(Secs., 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

1. Section 0.51(c) is amended to read:

§ 0.51 Functions of the Office.

* * * * *

(c) To maintain dockets of all Commission hearing proceedings, except that dockets are not to be established in revocation proceedings concerning licenses in the Safety and Special Radio Services unless and until respondents file timely notices of appearance and requests for hearing.

* * * * *

2. Section 0.53 is amended to read:

§ 0.53 Dockets Division.

The Dockets Division maintains the official dockets of all Commission hearing cases, except that dockets are not to be established in revocation proceedings concerning licenses in the Safety and Special Radio Services unless and until respondents file timely notices of appearance and requests for hearing.

3. Section 0.332 is amended by adding paragraph (n) to read:

§ 0.332 Additional authority delegated.

* * * * *

(n) To maintain the official record of hearing proceedings for the revocation of licenses in the Safety and Special Radio Services until such matters are docketed.

4. Subparagrah (a)(1) of § 0.453 is amended to read:

§ 0.453 Public reference rooms.

* * * * *

(a) *The Broadcast and Dockets Reference Room.* * * *

(1) Files containing the record of all docketed cases. A file is maintained for each docketed hearing case and for each docketed rule making proceeding. Cards summarizing the history of such cases are available for inspection in the Dockets Division.

* * * * *

[F.R. Doc. 68–3969; Filed, Apr. 2, 1968; 8:47 a.m.]

[1] Commissioner Bartley absent.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 13]

IMPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS IN BULK

Approval of Licensed Public Gaugers

An amendment to § 13.10 of the Customs Regulations (19 CFR 13.10) relating to the importation of petroleum products in bulk, published in the FEDERAL REGISTER on May 4, 1967 (32 F.R. 6838), provides, in paragraph (a) (2) (ii), for the bonding of "licensed public gaugers whose standards and procedures of gauging have been approved by the Bureau as corresponding to those required of customs gaugers."

Notice is hereby given that under the authority of section 251 of the Revised Statutes (19 U.S.C. 66), section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), and 5 U.S.C. 301 it is proposed to amend § 13.10(a) to prescribe the standards and procedural requirements for approval of public gaugers and to simplify the bonding procedure. The proposed amendments are set forth in tentative form below:

Section 13.10(a) is amended as follows:

The last sentence of subdivision (ii) of subparagraph (2) is amended to read:

Application for such approval shall be made in accordance with subparagraph (5) of this paragraph.

Subparagraphs (3) and (4) of § 13.10 (a) are deleted and the following is substituted therefor:

(3) The district director of customs is authorized to approve, for each such licensed public gauger in his district, general or specific procedures to be followed by the public gauger at each of the discharging facilities in the district .

(4) The Bureau will approve, for customs purposes, a licensed public gauger whose operations conform to the following requirements:

(i) All measuring and testing devices in use are maintained in first class condition. Each device is calibrated before the first use, and checked at regular intervals thereafter, against standards whose accuracy is traceable to standards issued by the National Bureau of Standards. In making calibrations and checks, the applicable methods of the American Society for Testing and Materials or the American Petroleum Institute are used.

(ii) All gauging, testing, and sampling procedures are in conformance with published industry standards, such as those of the American Petroleum Institute or the American Society for Testing and Materials, and will conform to such specific procedures as may be required by the district director of customs in accordance with the provisions of subparagraph (3) of this paragraph.

(iii) All gaugers who are authorized to sign gauging reports have a minimum of 6 months' on-the-job training and experience.

(iv) The licensed public gauger will promptly investigate any apparent irregularities, procedural difficulties, or indications of systematic bias called to his attention by the district director and will immediately take corrective measures, where indicated.

(5) Any licensed public gauger desiring approval by the Bureau in accordance with subdivision (ii) of paragraph (a) (2) shall submit an application, which may be in the form of a letter, setting forth his qualifications in detail and affirming that he will comply with the provisions of paragraph (a) (3) and (4) of this section.

(i) The application shall state the applicant's principal place of business and the district(s) for which approval is requested and be addressed to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226.

(ii) The application must contain, or be accompanied by, a written agreement to avoid conflict-of-interest situations, reading substantially as follows:

> As one of the conditions for the approval of this application, I undertake and agree to have no financial interest in or other connection (except for acceptance of the usual fees for gauging services) with any business or other activity, which might be considered to affect the unbiased performance of my duties as a public gauger for customs purposes in accordance with the standards and procedures approved by the Bureau of Customs.

(iii) Each application shall be accompanied by a bond in the amount of $10,000 to insure that the gauging will be in conformance with the approved standards and procedures, and with such general or specific procedures as may be required by a district director of customs for each of the discharging facilities in his district. The form of the required bond will be available from any district director of customs.

(iv) The Commissioner will direct the Customs Agency Service to make such investigation as he deems necessary to determine the applicant's fitness and reputation, and to verify the correctness of the statements made in the application. The applicant will be advised of the approval of his application, or, if disapproved, of the reasons for such action. An approval may be revoked by the Commissioner of Customs for failure to comply with any of the provisions of § 13.10(a). Notice of approvals or revocations of approval will be published from time to time in the weekly Customs Bulletin.

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, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 28, 1968.

JOSEPH M. BOWMAN,
Assistant Secretary of the Treasury.

[F.R. Doc. 68-3981; Filed, Apr. 2, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Base Quantities and Reports

Notice is hereby given of a proposal to amend, as hereinafter set forth, Subpart—Rules and Regulations effective pursuant to Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967) regulating the handling of celery grown in Florida. The proposal was recommended by the Florida Celery Committee, the agency established under the marketing agreement and order for the administration thereof. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

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

The proposal is as follows:

A. Section 967.151 of Subpart—Rules and Regulations (7 CFR 967.100-967.166, inclusive) is amended by adding thereto the following new subparagraph (4) to paragraph (e):

§ 967.151 Base quantities.

* * * * *

(e) * * *

(4) Except as otherwise provided, no transfer of a Base Quantity that was originally issued by the committee to a producer in an amount greater than

37,500 crates shall (1) cause the elimination of such Base Quantity from the Marketable Quantity or from the total Base Quantities when the Uniform Percentage is calculated pursuant to § 967.38(a) or (2) change the applicability of such Uniform Percentage in establishing Marketable Allotments with respect to the portion of his Base Quantity that was not transferred, regardless of whether or not such remainder exceeds 37,500 crates. The same Uniform Percentage shall also be applicable to the transferee with respect to all or the portion of the transferred Base Quantity, regardless of whether or not the transferred portion is 37,500 crates or less or, when added to the Base Quantity originally issued to such producer, does not aggregate more than 37,500 crates.

B. Section 967.165 of the Subpart—Rules and Regulations is amended by adding thereto a new subparagraph (5) to paragraph (b) reading as follows:

§ 967.165 Reports.

* * * * *

(b) * * *

(5) Pursuant to § 967.37, the committee shall be notified within a reasonable length of time by the executor, attorney, or receiver as applicable, following the death of a producer, or upon dissolution of any partnership, corporation or company which is a producer, who or which is a holder of a Base Quantity, of (i) the current status of the Base Quantity, and (ii) the final status or disposition of the Base Quantity.

Dated: March 29, 1968.

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

[F.R. Doc. 68-3986; Filed, Apr. 2, 1968; 8:49 a.m.]

[7 CFR Part 1012]

MILK IN TAMPA BAY MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

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

The provisions proposed to be suspended are subparagraphs (2), (3), and (4) in § 1012.16(b), relating to the limitation on the diversion of producer milk from pool plants to nonpool plants.

The proposed action would suspend for the months of April through July 1968 the provisions that limit the quantity of producer milk that may be diverted to nonpool plants by cooperatives and proprietary handlers. Presently, the order limits the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member-producers physically received at pool plants during the month. A similar percentage limitation, applied to producer receipts at the plant, prevails for the operator of a pool plant.

The suspension action was requested by Tampa Independent Dairy Farmers' Association, Suncoast Milk Producers Association, Land O'Sun Producers Cooperative, and Dairy Farmers Mutual. These cooperatives market over 90 percent of the producer milk in the Tampa Bay area.

These associations state that the diversion limitation will cause a hardship on the Tampa Independent Dairy Farmers' Association which performs the role of balancing the milk supply for the entire market. It is contended that in performing this marketing function member milk which must be disposed of to surplus outlets will have to be kept out of the pool because of the diversion limitation. This would result in lower returns to the association's members relative to other producers on the market.

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

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

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

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 68-3987; Filed, Apr. 2, 1968; 8:49 a.m.]

[7 CFR Part 1002]

[Docket No. AO 71-A46-R01]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Revised Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this revised recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New York-New Jersey marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. 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)).

PRELIMINARY STATEMENT

The proposed amendments, as hereinafter set forth, were formulated on the basis of a hearing convened at New York City on July 19, 1965. Notice thereof was issued June 11, 1965 (30 F.R. 7839). Sessions were held at such location July 19–23, and August 3–27, 1965, and at Syracuse, N.Y., on July 26–29, 1965. As described below, the hearing was reopened at New York City during the period May 9–June 9, 1967.

On January 19, 1967, the Deputy Administrator, Regulatory Programs, Consumer and Marketing Service, issued his recommended decision (32 F.R. 807) on the record of such hearing. The decision proposed certain modifications in the basis for and method of making cooperative payments (authorized by § 1002.81 of the order), and a reduction in the rates of such payments.

Certain exceptions to the recommended decision contended that either there should be further opportunity to explore the matter of appropriate services and rates of payments prior to a final decision in the matter, or the proceeding should be canceled in order to permit the present program to continue.

After review of the recommened decision and exceptions filed, and on the basis of requests from two of the cooperative groups receiving the payments and from duly authorized representatives of the States of New York and New Jersey, the Acting Secretary of Agriculture decided on April 20, 1967 (32 F.R. 6401) that the hearing should be reopened.

In addition, he concluded in his partial final decision that: (1) A continuing need for cooperative payments in the market had been demonstrated, (2) some modification of the cooperative payment provisions should be made, and (3) because the evidence relating to (a) delineation of the marketwide services for which payment should be made, (b) the total amount of such payment, and (c) its allocation among cooperatives, was not fully developed in the prior sessions of the hearing, the hearing should be reopened for the limited purpose of receiving any further pertinent evidence interested parties might wish to offer on the latter issues to permit a full and comprehensive re-examination of the matter.

Consequently, a supplemental notice of hearing was issued April 20, 1967 (32 F.R. 6407) concurrently with the issuance of the partial final decision. The hearing was reopened at New York City on May 9, 1967, and was in session 16 days during the period May 9–June 9, 1967.

The findings and conclusions set forth below relate only to the matters subject to discussion at the reopened hearing. The statement of issues, description of hearing proposals and the findings and conclusions of the partial final decision of April 20, 1967, although not repeated here, are adopted as part of this decision. This decision therefore relates only to the completion of findings and conclusions on issue No. 1 described in the partial final decision, to wit: "Whether the basis for and rates of payment from the producer-settlement fund (commonly referred to as "cooperative payments") to qualifying cooperatives to perform specified services to producers on a marketwide basis should be modified or revoked."

Current order provisions require that each eligible producer organization must perform certain marketwide services if it is to continue to receive payments. These include (but are not necessarily limited to) the following:

(1) Analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data;

(2) Determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions;

(3) Participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments;

(4) Participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter;

(5) Conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; and

(6) Under some circumstances, the operation of marketing facilities, i.e., pool plants.

Much of the hearing record (particularly after reopening) was devoted to a discussion of whether cooperative payments should continue to be subject to the same performance requirements in terms of marketwide services.

At the reopened hearing a spokesman for two cooperatives primarily associated with the Delaware Valley order and another speaking for proprietary handlers in this market advocated a specific listing of services deemed to be marketwide in nature. It was suggested that proper expenditure of cooperative payment funds be strictly limited to the defined services. In part, these proposals were directed toward the justification of a limited payment. Particular concern was expressed in regard to the use of these monies for membership activity and operation of plants.

Eastern Milk Producers Cooperative Association, Inc., which is a large bargaining cooperative presently qualified to receive payments under the order, also expressed opposition to payments made or used for the operation of marketing facilities.

The handlers also criticized expenditure of pool funds for cooperative publications because, in their view, these periodicals served largely to build the image of these organizations.

The Dairymen's League Co-operative Association, Inc., a current payments recipient, proposed that order language be changed to broaden the list of required services to include legislative activities and to specifically acknowledge that the required services are not the only activities which are of a marketwide nature. They also suggested that the present requirement for additional payment based on marketing facilities be modified to require manufacturing capacity. Specifically, eligibility for such added payment would be limited to an organization operating pool plants handling 25 percent of its members' milk and also maintaining manufacturing plant capacity for at least 10 percent of membership production.

Northeast Dairy Cooperative Federation, Inc., another presently qualified group, also stressed the importance of service to all producers via cooperative operation of manufacturing facilities.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

I. *Modification of provisions.* The present rates of payment should be adjusted only to accommodate changes in cooperative eligibility requirements for payment as adopted in the partial final decision of April 20, 1967, which is made an integral part hereof. Other changes of an administrative nature should be made (1) as provided by the April 20 decision, and (2) as discussed below.

Basic to the findings in the partial final decision that cooperative payments should be continued were the following:

(1) That certain activities of cooperatives are necessary to the effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members; and

(2) That payments to cooperatives provide the means necessary in this market to encourage performance of marketwide services and to correct any inequities of cost that would otherwise burden members of cooperatives undertaking such tasks.

Consistency with these two principles was considered the ultimate touchstone for reaching the findings and conclusions set forth below in regard to the unresolved issues on the record of this hearing.

At the hearing the most urgent criticism of the cooperative payment provisions revolved around the following points: whether the present provisions are (1) resulting in excessive payments to cooperatives and consequently detracting from the uniformity of returns between member and nonmember producers, and (2) impeding the uniform application of pricing between proprietary handlers and the recipient cooperative associations in their capacity as handlers.

The question of assessing a reasonable level of expenditure for those services which benefit nonmember producers as well as members of cooperatives, and in differentiating such activities related to the regulatory program from services designed primarily for members, are the basis for much of the current controversy over the cooperative payment provisions and led to the review made at this hearing.

At issue then is both a workable definition of marketwide services and the appropriate level of compensable payment for such services. The partial decision reaffirmed that "certain activities of cooperatives are necessary to effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members." The problem, however, is whether each activity on which payment is based should be enumerated in the order or whether some general minimum requirements are more appropriate as a basis for compensation of cooperatives.

In deciding these questions it is necessary to keep in mind that all producers have a proportionate interest in monies deducted from the producer-settlement fund since any deduction therefrom reduces the uniform price payable to all producers. On the other hand, any action which leads to an increase in the uniform price also redounds to the benefit of all producers.

Several public witnesses placed their views on the matter of delineating cooperative and marketwide services into the record. One, a university staff member who authored a study of cooperative payments, listed two criteria for identifying a marketwide service: (1) That it accrue to the benefit of all producers, and (2) that it be "reasonably necessary for the proper functioning of the order".[1] Another, a professor at one of

[1] See definition of marketwide service in thesis "Compensation of Milk Producer Cooperatives for Marketwide Services Under Federal Milk Orders" (p. 30) by Dr. William Park, accepted in partial fulfillment of the degree Doctor of Philosophy at College of Agriculture, Cornell University.

the large land-grant universities in the milkshed, suggested that marketwide services should include all activities by cooperatives necessary to the operation of the order, including the solution of problems by means other than order changes. A third professor indicated that the suitable services should include only order activities and education.

The most important type of cooperative activity related to effective operation of the regulatory program concerns the solution of problems that arise in marketing of milk in the New York-New Jersey milkshed. Because of the dynamic nature of such marketing there is a constantly changing array of problems requiring solution. Presently, new problems are arising due to concern over air and water pollution. New regulations concerned with elimination of such pollution sometimes means closing of a milk plant, and the subsequent relocation of producers. Changes in sanitary regulations are a continuing concern. One example may be found in the widespread need for United States Public Health Service approval due to increasing use of its standards for acceptance of milk supplies.

Dairy farmers and their representatives must be concerned with the loss of markets to substitutes, both domestic and foreign. For example, imports of butterfat sugar mixtures have been replacing locally produced butter and cream in recent years. Moreover, nondairy substitutes, having taken over much of the butter and cream market, now threaten to substitute for fluid milk products. In any case, the problem of competition takes many forms, all requiring study and solution.

Milk marketing does not simply consist of producing the milk or obtaining a favorable market. Assembly of the raw product is also subject to difficulties some of which result from changing technology. For example, the change to bulk handling of milk is altering many of the historical can assembly patterns. Close scrutiny is required to assure that the transition progresses smoothly to an efficient result.

Effective dealing with such problems frequently requires order changes, but solutions often go beyond the scope of the order. Presently, however, the order only refers specifically to the pursuit of solutions available under the order. By the same token present provisions do not preclude attempts at solution beyond the order. Nor does this record support the conclusion that it would be desirable to make such a restriction on cooperative activity. It would be ironic to charge these organizations with the responsibility of studying milkshed problems without permitting flexibility in dealing with their solution.

Because of the block voting in referenda provided for in the Act, cooperatives have a special responsibility in the regulatory process. Voting on an order or amended order frequently depends primarily on votes cast en block. Cooperative decisions on how a vote shall be cast thus become extremely important to all producers. Because membership sentiment normally provides for means for assessing the mood of producers throughout the milkshed (in fact this is one of the reasons for limiting payments to large cooperatives), able directors and officers are extremely important to the activity of cooperatives that are to receive pool payments.

Therefore, dissemination of accurate information about problems and alternative solutions to members and officers requires particular emphasis. This does not indicate that nonmember education is unimportant, but rather recognizes that much of the most effective nonmember education is accomplished through contact with other producers. The organizational structure of the cooperative provides for feedback of producer (both member and nonmember) sentiment to the decisionmakers. Indeed, new problems confronting producers may come to light through operation of an efficient communications apparatus within these producer organizations.

Some critics of cooperative payments contend that membership activities of a cooperative accrue only to members' benefit. According to this view it is only the technical staff of the qualified organizations that provide benefits to all producers in the market.

Emphasis on the technical staff of a cooperative, while extremely important, deals only with one part of the need. Professional economists, lawyers, fieldmen, public relations personnel, and supporting staff are necessary to prepare meaningful data and alternative programs, provide professional contact with producers, disseminate useful information, and competently pursue solutions. But membership, officers, and organizational structure of the cooperative provide the means to choose among alternative solutions to problems of a marketwide nature by assessing producer wants and needs.

Evidence in the record does not support the conclusion that publications presently disseminated by qualified cooperatives do not benefit all producers. Sample copies of the publications of the two qualified operating cooperatives and testimony of both editors indicate, in general, that information presented is reasonably well-balanced and factual. While views of the sponsoring organizations are aired, editorial policy and published content as revealed on the record demonstrate the usefulness of the periodicals to provide educational information for all producers.

Milk marketing problems often require an establishment of communications with legislative and other public agencies. Many examples of this need were placed on the record, notably concerning milk standardization, sanitation requirements, cooperative laws, and possible changes in the Act authorizing milk orders. A State legislator testified to the value of information supplied to him by the qualified cooperatives. Other legal work arises from court actions such as those that challenge provisions of the order. Such work is a marketwide service when it involves providing factual material to legislators or legal support to uphold the efficacy of the order. A suitable program of marketwide services should continue to include analysis of the myriad milk marketing problems facing producers under the order even though it may require action related only indirectly to Order 2 provisions.

The cooperatives also provide services of a marketwide nature by the maintenance of manufacturing facilities capable of providing an outlet for producers' milk. Such facilities are necessary in this milkshed in order to insure that producers will have an outlet for their milk at all times. Testimony at the hearing emphasized the value of manufacturing facilities to handle the surplus resulting from the wide supply variations.

Consumer needs for fluid milk do not vary in a manner similar to production. While daily fluid sales are rather consistent, even the practice of processing such milk on a 5-day week basis conflicts with the biological nature of production. Thus, assurance of an adequate supply of fluid milk is a problem inextricably associated with the equitable disposition of any resulting surplus. If proprietary handlers are not both willing and able to offer producers an outlet for their milk, the cooperatives must provide such outlets as an alternative to the uneconomic reduction of herds or dumping of milk. While manufacturing capacity should be available to handle surplus milk that cannot be utilized as fluid milk, the need for such plants varies with the amount of surplus. Therefore, such facilities often must be maintained on a costly standby basis subject to daily, seasonal, and annual variation in use.

On a hypothetical basis, handler spokesmen attempted to demonstrate how cooperative payments could be used by qualified cooperatives to gain unfair competitive advantage over proprietary handlers. It was alleged that proprietary handlers also maintain surplus facilities that are operated on an intermittent basis. Mere existence of such plants, however, does not necessarily provide an outlet for the milk of all producers. Because they are owned and controlled by producers, cooperatives incur obligations not shared by proprietary handlers to provide outlets for producers during such periods of worsening market conditions. Due to this difference in the motive for operation, processing plants owned by other handlers do not provide the same assurance of market outlets to producers, under all circumstances, as do those operated by cooperatives.

Temporary periods may be expected during which the margins provided by class prices for the operation of surplus facilities will be unfavorable. For example, large imports of butterfat sugar mixtures during 1966 suddenly provided handlers with substantially lower cost butterfat than that available under the order. Under such circumstances the availability of cooperative facilities became very important in providing a market for the displaced butterfat which was no longer acceptable to proprietary

handlers. It is important that the cooperatives continue to provide the marketwide service of maintaining processing facilities in the milkshed to insure that milk outlets remain available to producers during such periods.

In the long run, perhaps the greatest benefit that arises from operation of cooperative marketing facilities, including processing facilities, is the additional knowledge that accrues to the organizations concerned with such operations. Daily contact with current problems of processing and marketing of milk under the order makes them more immediately aware of problems somewhat removed from actual farm production of milk. Moreover, data not otherwise available is susceptible to their use. For example, actual costs of receiving, processing, or manufacturing may be introduced into the record of hearing even though proprietary handlers may be unwilling to provide such data for competitive or other reasons. Such data are invaluable for use in making intelligent decisions on class pricing provisions. Importance of subtle changes in the level of long-term handling charges and of spot prices are also likely to be more immediately recognized by cooperatives that are engaged in daily handling of relatively large milk volumes.

In the short run the ability to remove excess supplies from the market is also of benefit to all producers. For example, the record indicates that several proprietary handlers declared bankruptcy since 1960. In the bankruptcies both member and nonmember milk were involved. During the same period other dealers served notice to cooperative suppliers that annual contracts were not to be renewed. The losses of contracts affected member milk directly, but indirectly had comparable effects on nonmember milk. In either situation, however, frantic scrambling for market outlets might have resulted if cooperative facilities had not been available. Such are the seeds of market instability that would likely affect all producers in the milkshed.

To support their view that cooperative facilities were unneeded additions to milkshed plant capacity, critics of these cooperative operations pointed out that no milk was made homeless as supplies increased during the early sixties. The record indicates that availability of cooperative facilities, in fact, provided a market for these increased supplies (as well as the supplies resulting from bankruptcies) in a period when surplus margins under the order were unattractive to proprietary handlers. Data in the record indicate milk used for butter at the plants of producer groups qualified to receive payments jumped from zero in March 1960 to 28 percent of all pool milk used for butter in March 1965. It has since showed further increase to 34 percent in March of 1966 and 50 percent in March of 1967. As the tail end surplus product, butter output has also provided the alternative for much of the milk displaced by recent increases in butterfat imports.

The complete and detailed financial information presented by Northeast Federation at this hearing revealed application of some $700,000 derived from cooperative payments to the surplus operation, about half of which was stock investments. While this use of the funds was actually made in the period since 1962, it represents monies received over the whole period of the current provisions, or about $54,000 per year since 1954. A comparison of the balance sheets of the two predecessors of Northeast Federation showed reserve accounts amounting to 9.09 percent of cooperative payments receipts were accumulated between 1954 and 1964. The insurance of market outlets provided producers was worth far in excess of an annual premium of less than $2 per producer.

Handler spokesmen contended that the benefits from cooperative facilities accrue only to members. Data published by the New York State Department of Agriculture and Markets, however, showed that average payments to producers by proprietary handlers somewhat exceeded those by operating cooperatives in each of the years 1962 through 1965 for the State as a whole. So the benefits of maintaining market outlets hardly seem to benefit members exclusively. If anything, the payments have not been fully compensating.

The constantly changing milk marketing problems facing producers in this large milkshed are not capable of precise listing, except perhaps in retrospect. Furthermore, suitable solutions to these questions are not always available by the same means. Education also has a great variety of vehicles, often not cast in a formal setting. Needed data and information may require drawing on both formal and informal sources. Yet the benefit to all producers from education and problem solution remains regardless of the means.

Even a clairvoyant specification of marketwide services would not be desirable, assuming that it were possible. To compile a rigid set of unyielding guidelines to services that must be performed would do little to attain the first objective set forth in the partial decision. Effective producer representation requires strengthening of cooperatives, not burdening them with unnecessary administrative difficulties. It is better to set forth broad guidelines, placing the responsibility on the cooperatives to identify the activities necessary to attack current problems. Suitable rules and regulations can be used to provide more specific details if and when needed.

Some testimony on the record contended that cooperatives would undertake most, if not all the activities not now listed in the order even in the absence of pool payments. Such arguments miss the point. Principles underlying cooperative payments, as reaffirmed in the partial decision, seek not only to assure that cooperatives continue to provide services of benefit to all producers but also to maintain equity between returns to members and nonmembers. To suggest that qualified groups should render some of these services without recompense flies in the face of one of the intended purposes of these payments.

The record thus does not support the conclusion that marketwide services should be strictly specified, nor that use of the payments should be limited to itemized services. The needs for services on behalf of all producers are far too varied and dynamic to impose such inflexibiity upon response by qualified producer organizations. It is more desirable to encourage efficiency in the performance of desirable marketwide services by other means. Modification of procedures for reporting, discussed below, are means that can be used without destroying the major benefits to all producers provided by present flexibility of action accorded to participating cooperatives.

The order should indicate clearly the types of services that are marketwide in nature even though specific enumeration of all such services in the order is impractical, as noted above. Therefore, in the amended order accompanying this decision, marketwide services are defined as services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order. This is consistent with findings in the partial decision that "certain activities of cooperatives are necessary for effective operation of the regulatory program and consequently benefit alike those producers who are not members of cooperative associations as well as those who are members." In addition, this definition recognizes the need for flexibility of action by cooperatives on behalf of all producers.

An additional category of required services also should be included in the order. Therefore, the amendments require that cooperatives or federations receiving payments engage in other marketwide services for the improvement of market conditions, such as aid to public officials in formulation of public policy and participation in other Government programs that affect marketing of the milk of all producers in this market. This change places specific responsibility on the cooperatives to identify current marketing difficulties regardless of their nature and to use their best efforts to eliminate them.

Producers in the New York milkshed cannot ignore the adjacent or related orders. The functioning of Orders 1, 15, and 4, and the intermingling of production and the interrelationship of marketing areas among these orders are matters of direct impact. Order 2 cooperatives have members under several such orders, but it is often their Order 2 members whose interests, as well as all Order 2 producers, are of primary concern in the consideration of amendments to those orders.

In addition, issues in the Midwest or other distant order hearings may establish decisions or precedents which are of vital interest to Order 2 producers.

Order litigation is an important, and may be a very expensive service. Many court cases have considered the New

York-New Jersey order and adjacent orders. The services rendered by cooperatives which have benefited all producers in such litigation are valuable marketwide services and should be recognized as such.

Governmental officials often depend upon the advice and consultation of informed marketing experts for guidance in administering their regulatory programs. Such services may be related only indirectly to the provisions of the order, but are nevertheless necessary if the order is to provide the orderly marketing intended by the Agricultural Marketing Agreement Act of 1937. For example, recent activities by the cooperatives to prevent continued evasion of the import laws on butterfat were important in bringing about effective governmental action which stabilized the market. Dr. Park, in his thesis stated "Legislative activities are certainly marketwide in the sense that both members and nonmembers benefit more or less equally, but such services may or may not be related to an order. For example, the activities of a cooperative pertaining to an amendment of the Agricultural Marketing Agreement Act of 1937 would certainly be directly related to an order. But, if the legislative activities pertained to animal disease or general farm legislation, then such activities could hardly be deemed reasonably necessary for the proper functioning of an order. Thus, according to the definition of marketwide services, legislative activities are defined as marketwide only when such activity is directly related to an order."

The recognition of such services given by Dr. Park should be broadened somewhat to include those marketwide services which promote or tend to promote orderly marketing and benefit all producers. For example, activity of the cooperatives during the past year was helpful in the enactment of a state law in New York permitting the standardization of milk. This was an important marketwide service which would not have been included in Dr. Park's narrow definition because it was not order related. Nevertheless, the enactment of the standardization bill was necessary so that the order could be amended to return to producers the full value for their milk.

Several changes also are needed in the service that is required of a cooperative or federation receiving an additional payment on the basis of the operation of marketing facilities. Among other things these will require that such cooperatives or federations maintain a certain amount of processing capacity. These modifications will be discussed in detail under III B of this decision. This amendment also places specific responsibility on the cooperatives to maintain an organizational structure capable of identifying current marketing difficulties and choosing avenues of approach consonant with the best interests of producers. In this manner, it is intended that the qualified organizations continue to use their best efforts to maintain a stable and orderly market in the interest of all producers.

II. *Amount and method of payment.* The payment to cooperatives or federations for the performance of marketwide services should remain at present levels.

Two reference points may be useful in determining the level of payments to be made to cooperatives under this program. First is the consideration of what the desired services are worth to producers. An upper limit to the payment may thus be indicated. The second is an estimate of the cost incurred by cooperatives in performing these functions for all producers. In the latter we are faced with a minimum payment required to fulfill the principle of equity. Neither of these limiting factors, cost and value, are subject to precise calculation but some estimates can be made and examined.

A. *Value of marketwide service.* Many of the cooperative activities on behalf of all producers have intangible, but nontheless valuable, benefits. Such services include information, research, and education as well as participation in order proceedings. For example, the qualified groups by virtue of their organizational structure and expert personnel have been able to help milk producers in the milkshed become much better informed on milk marketing issues than they were before these provisions went into effect. Enlightened producer participation provides the foundation for a strong and effective order program.

Research and analysis of marketing problems not only has contributed to producer understanding but also has formed the necessary basis for participation by producer groups in order hearings and other suitable forums. A current example of this type would include their participation in a study group concerned with a possible Class I base plan for the milkshed. The economic effects of acceptance or rejection of such a plan could be of considerable significance to all producers. Other examples include appearances made recently before a Congressional committee and the Federal Tariff Commission in the matter of butterfat import quotas.

Moreover, activity by qualified cooperatives provided valuable information and expertise necessary relating to the recently enacted New York milk standardization statute.

Useful services to all producers also may be found in the informational services of cooperatives. Press and radio news services look to these organizations as a major source of information concerning the dairy industry. The cooperatives are called upon for an expert interpretation of dairy production and marketing data as well as changes in the regulations or laws. Without such translation, the general press and radio reporters could not be expected to have the specialized knowledge for accurate reporting to the public.

In short, the benefits of the market stability obtained by means of producer education, representation and knowledge is not always measurable in dollars although monetary value derives from it. Nor do the benefits of welding more than a hundred cooperatives into three easily convert to financial terms even when one takes into account that cooperative manufacturing facilities thereby become possible. Yet perhaps the greatest value to producers of cooperative activity is the resulting stability.

The benefits of direct participation by the qualified cooperatives in the regulatory program are of a more tangible nature. Activity such as proposals for amendment, suspension, or termination of order provisions, and participation in the various order hearings and meetings is of obvious concern to all producers.

While it is difficult to place a precise value on such activity, it is possible to estimate the financial importance of some of the issues involved. Between 1955 and 1963, a series of amendments and suspensions to the Class I pricing provisions of the order added an estimated $8 million to producer returns. This included $3 million added to farm receipts in the last three months of 1960 as the result of a Class I suspension action.

Also important are potential losses that do not occur. For instance, tentative order changes in 1960 would have placed a ceiling on the Class I price by relating it to the Midwest condensery price. Because the amendments were not made, reduction of producer incomes estimated to be in excess of $5 million were averted. Unfortunately, it is not always possible to arrive at figures to fully account for the effects of price declines that would have occurred in the absence of effective cooperative action.

The value of other cooperative efforts somewhat more removed from the formal regulatory procedure may also be gauged. The cooperatives collectively obtained a superpool agreement for a 3-month period in 1955 to improve producer returns. This amounted to some $2 million in terms of producer milk checks. Moreover, not only did the cooperatives participate significantly in providing for farm point pricing of bulk milk under the order, but their joint action has generally maintained that price throughout the milkshed despite later amendments permitting a 10-cent per hundredweight service charge. Handlers have thus absorbed some $21 million in the hauling costs for bulk milk for 1962 through 1964 alone.

The farm point pricing feature has not benefited bulk shippers alone. Protection has also been afforded can producers by alleviating the severe pressure otherwise likely to have forced them to convert to bulk or sell out. As a result, conversion to bulk has been largely by economic attraction rather than force. The fruits of technological advance are thus shared with all producers and with dealers.

The above estimates cover only a part of cooperative activity during the period from 1955 through 1964. Yet the total of more than $35 million in known benefits to all producers exceed the total payments made to cooperatives for these services during the entire history of the current provisions. In addition, the value

of the indirect benefits has been substantial.

B. *Cost of Marketwide Services.* Throughout this hearing considerable emphasis was placed on discussion of the costs incurred by cooperatives in providing services of a marketwide nature. While some of this discussion was mired in semantics due to differences in the proposed definition of services (discussed above), substantial evidence on costs was placed in the hearing record.

In the earlier portion of the hearing, attention in this regard centered around the results of a thesis made as the subject of the doctoral dissertation by Dr. William L. Park entitled "Compensation of Milk Producer Cooperatives for Marketwide Services Under Federal Milk Orders". The author, now associated with a nearby land-grant university, was an employee of the market administrator during the conduct of the thesis. The thesis included tables showing expenditures by the organizations receiving cooperative payments allocated to various market service categories. The categories included: (1) Membership and association activities, (2) education and information services, (3) order activities, (4) legislative services, and (5) administrative overhead. (Data updating these tables were prepared by the market administrator and placed in the record. This updated material was based on the original techniques used by Dr. Park.)

Not all expenditures made by the cooperatives were included in thesis data, nor were allocations limited to amounts received under order provisions. No monies identified as being spent on operation of plant facilities were included, nor were expenditures at the local level of the organizations. Any additions to reserves were also ignored. Portions of expense in direct relation to nonpool membership of cooperatives, where applicable, were also eliminated.

Evidence of cooperative expenditures for marketwide services in the reopened hearing is considerably more elaborate than in the first part of the hearing. The two major proponents supporting cooperative payments submitted more extensive data on expenditures of their organizations. Dairymen's League Cooperative Association, Inc., provided an allocation of cooperative expenditures to the marketwide services it performs; Northeast Dairy Cooperative Federation, Inc., provided detailed basic accounting data for their whole organization, including operations. Eastern Milk Producers' Cooperative Association, Inc., a third recipient of cooperative payments but opposed to their continuation, did not submit any of its accounting data.

In making their allocations, the Dairymen's League Co-operative Association, Inc., selected four principal service categories: (1) Policy development relative to market order, legislative, and industry matters, (2) amendments to Order 2 and related orders, (3) activities related to consideration of state and Federal legislative matters, and (4) informational services to producers, consumers, and related persons. Only a portion of total cooperative expenditures were allocated to these groupings, but the sources of allocated amounts were discussed fully.

Spokesmen for a trade association of proprietary handlers and two cooperatives principally based in neighboring markets also submitted limited data on their own costs. Because of the differences in circumstances, however, these data appeared of little use in coping with the problem at hand. Comparison of the costs for sending out a newsletter designed for handler use, for example, has little relation to the costs of providing producer education and information. Nor does the expenditure for order participation or producer education by a cooperative whose primary interest and concern is a market having a few thousand producers or several score handlers have much relevance to costs likely to be incurred in this market.

The relationship between the activities of cooperatives and the marketwide services to which they relate is a source of considerable difficulty. The services specified in the order generally involved more than a single subdivision of activity of a cooperative. For example, the analysis of marketing problems may simultaneously involve economic, legislative, policy and operating personnel, etc. At the same time, the general areas of activity in which a cooperative is involved may be of a marketwide nature part of the time and of nonmarketwide nature the rest of the time. Field services are a good example; at times field staff members carry out information and education activities, at other times they may perform direct services for members of the cooperative.

This difficulty in finding demarcation lines in cooperative activity is further complicated when applied to allocation of expenditures. First, there are expenses not specifically related to any service function, the so-called overhead items. Then there are expenses that are associated with several identified services. Both these problems remain even after one solves the primary difficulty of separately defining cooperative services to which expenses are to be allocated.

In his thesis, Dr. Park dealt with the allocation problem by choosing five categories of service performed by cooperatives. Two of these, entitled "Membership and Association Activities" and "Administrative Overhead", were broad enough to include all items not fully assigned to the other three. No attempt was made to reallocate overhead to the specific service accounts. Moreover, while each of the specific accounts included expenditures for activities defined by the researcher as marketwide, two of the four embraced some costs for services beyond the scope of the strict definition applied. Clearly, these data were not intended to isolate cooperative outlay required in the performance of marketwide services.

Allocation problems are further complicated when aggregations are involved. The three qualified cooperatives are quite different in structure, function, and accounting methods. One is a highly integrated operating cooperatives with both pool and nonpool facilities and membership. A second is a federation of many local operating and bargaining cooperatives that owns two manufacturing plants and acts as broker for a large portion of its members' milk. The third group is a centralized bargaining cooperative with members in several orders. Aggregations of accounting data from such diverse groups are difficult to devise and must be interpreted carefully.

The allocation made for the reopened hearing of Dairymen's League expenditures was made by their former Comptroller, a man of 30 years experience with the organization. Allocations were made on the basis of this individual's intimate knowledge of both the accounts and activities of the League. His data allocated to marketwide services about one-third of the noncommercial expenses of the cooperative for their fiscal year ending March 31, 1966. This included a portion of overhead cost items and represented about 3.93 cents per hundredweight of milk shipped by membership under the order.

Financial data submitted by Northeast Dairy Cooperative Federation, Inc., as placed in evidence by their accounting consultant, were not broken down on the basis of specifically defined services. Their accounts for the 1966 calendar year, however, were separated into two major groupings identified as operating and service. The first of these relates to operation of their manufacturing plants and fluid brokerage division. The latter account concerns all other services to producers. Transfers from the service to the operating divisions were also shown. Some of this involved investment in plants and equipment and some to cover operating losses. Nearly all income to the service division was derived from cooperative payments except for producer investment in operations. The latter were simply funneled through the service accounts.

Northeast took the position that all of its cooperative payments receipts were expended on marketwide services. This included about 1 cent per hundredweight applied to plant operating losses during the past year. Brief submitted by this group also suggested means to allocate their accounts in a manner similar to that of the League.

The Federation is the product of the merger of two smaller federations of cooperatives. Both the merged group and its predecessors were, in fact, products of the cooperative payments provisions themselves. These provisions were specifically designed to encourage the development of larger cooperatives, or federations of cooperatives. Moreover, dues paid by members go directly to pay expenses of running the local groups and provide direct services to members. When the federation provides such services, their accounts show payment received from the local group. In short, the central organization has been concerned primarily with services of a marketwide nature. Establishment of the operating division did not alter appreciably this situation.

Inclusion in the record of the detailed accounts of these two organizations, along with explanatory data, provides opportunity to examine the cost of these services of an individual basis.

In the Park thesis, activities identified as order activities, education and information services, and association activities were held to be marketwide services, as defined therein. Membership services (by definition, those activities not benefiting nonmembers) were not deemed to be marketwide service. The author also felt that legislative services, while benefiting all producers in a similar manner, were not always clearly within his definition of a marketwide service.

The Park data, however, were not allocated according to his definition of marketwide and nonmarketwide categories. Expenses on membership activities, for example, were included with those on association activities (a marketwide service). Both marketwide and nonmarketwide legislative service costs were also included in a single category. Costs of commercial operations were ignored entirely.

Allocations placed in the record by the Dairymen's League were suggested by them as suitable allocations to marketwide services for their 1965–66 fiscal year. Close scrutiny indicates that the allocations used did not depart greatly from the definitions suggested by Park. In this case, however, joint costs attributable to marketwide and nonmarketwide services were divided carefully on the basis of the best judgment of the witness from his intimate knowledge of accounts and internal procedures of his organization.

As noted previously, Northeast accounting data for 1966 were also made available. It is feasible (especially as suggested in the brief of this organization) to allocate this data in a manner similar to that of the League.

Northeast allocations take into account amounts used to defray losses in operations of marketing facilities, a category not included in the League data. For the year 1966, $265,000, or approximately 1 cent of the 4 cents per hundredweight payment to Northeast, was applied to such losses. Total losses in the Operating Division were shown in excess of half a million dollars, or somewhat over 6 cents per hundred pounds of milk handled.

A comparison of such allocations for the two organizations may be made:

	Northeast Jan. 1, 1966–Dec. 31, 1966	League Apr. 1, 1965–Mar. 31, 1966
1. Policy development relative to market order, legislative, and industry matters	$115,297	$325,741
2. Amendments to Order 2 and related orders	132,755	134,675
3. Activities related to consideration of State and Federal legislative matters	62,820	128,907
4. Education services to producers, consumers, and related persons	474,408	608,816
5. Manufacturing plant maintenance	264,568	
Total	1,049,848	1,198,139

Amounts allocated to work on amendments to Order 2 and related orders were about the same for both groups. This is not surprising in view of the basic similarity of activity involved. For all other categories League amounts are greater than those assigned for Northeast.

For policy development the League costs listed are more than double those of the Federation. This is not surprising since the centralized League organization requires a rather complex structure. Northeast, as a federation, has a relatively simple structure based on delegates from the local member cooperatives. (It should be noted that expenditures for meetings at the local level would not be included in Federation accounts since local dues are used for this purpose.)

Amounts indicated as spent by Northeast on legislative matters were about half that for the League. This would indicate that the latter is more active in this field than the Federation. The record, in fact, describes in detail the considerable effort put forth by the League for aid to legislators in drafting of bills and providing of other specialized information.

League expenditures for informational services deemed of a marketwide nature were also in excess of those indicated for Northeast. The League has developed a sophisticated program of education for its officers, members, youth group, ladies affiliate, nonmembers, and other interested parties that merits considerable praise. It is not surprising that the younger federation has a somewhat simpler educational program. The federation structure itself probably requires a somewhat different type of program. It is likely that its educational procedures will change as the organization develops.

Analysis of these allocations of expenditures provides no basis for the conclusion that payments to cooperatives for services to all producers should be reduced. Moreover, taking into account the amount of operating losses sustained by Northeast, and very likely the League as well, it would appear that current payments may be very conservative from an equity standpoint.

It was proposed by Northeast that the payment for operation of marketing facilities should be increased 1 cent per hundredweight in order to offset the heavy losses incurred in surplus operations. Under present conditions such an increase might have some merit. However, these rates should be made applicable for a long-term basis. Thus it seems suitable to continue the payment for operation of marketing facilities at the present relatively moderate level.

Building of a reserve fund is necessary for effective operation of a cooperative. Testimony on the record shows rare agreement on this point. Moreover, the cooperatives are to be commended for placing unneeded funds aside, regardless of source. Such reserves proved useful in dealing with the crisis stemming from the tremendous increase in supplies early in this decade that led to acquisition of the two Federation plants.

C. *Calculation of payment.* Certain modifications should be made in the method of computing payments to eligible cooperatives or federations. Each eligible cooperative or federation should receive an amount equal to 3 cents per hundredweight of receipts represented by its members' milk.

Each cooperative that otherwise qualifies, and also operates marketing facilities at which is received at least 25 percent by weight of its members' milk and maintains processing facilities capable of handling a million pounds per day but not less than 10 percent of its members' milk should receive from the producer-settlement fund an additional one cent per hundredweight of receipts represented by its members' milk. A federation also should receive the 1-cent increment if at least 25 percent by weight of milk delivered by members of its federated cooperatives is received at pool plants or bulk tank units operated by a member cooperative of the federation or by the federation itself, provided that the federation or its member cooperatives maintain processing facilities capable of handling 1 million pounds per day but not less than 10 percent of members' milk.

The present rate structure provides for payment of two cents per hundredweight of member milk to an eligible cooperative with at least 4,000 members. A 3-cent rate applies to the organization with more than 6,000 members. In the partial decision issued earlier, the requirements for the minimum size of cooperative eligible for payments was changed from 4,000 members to total membership of at least 15 percent of all pool producers. In essence, the number of members required for qualification thus has been raised in terms of present pool numbers. (Fifteen percent of 1966 average number of pool producers was equivalent to 5,461 members.)

It was suggested at the hearing that rates based on pool value be used. It was proposed that they be graduated so that payments to a cooperative would increase in less than direct proportion to its size. This was intended to take into account the possibility of cost economies related to size in performance of the services. It does not seem desirable, however, to complicate the provisions unnecessarily by adopting these proposals. There was no evidence of economies of size shown on the record. In fact, such economies seem quite unlikely in the type of services here involved. Moreover, this method would also tend to remove the more important incentive to increase cooperative membership in the milkshed.

The change in size requirements, however, does remove the need for differentiating the rates according to the size of organization. Thus a single rate should be used for eligible associations not engaged in operation of marketing facilities. A qualified cooperative should receive a payment equal to 3 cents per hundredweight of receipts represented by milk deliveries of its member producers.

A federation also should receive 3 cents per hundredweight of receipts delivered by producer members of its federated cooperatives.

Under current provisions an eligible association that also meets the requirements for operation of marketing facilities may receive an additional cent per hundred pounds of member milk. The additional payment for operation of plant facilities should be continued. (See IIIB below for discussion of requirements.) Value and cost of cooperative plant operations have been discussed previously. Certainly the added value to all producers of the services performed by an association operating such facilities is sufficient to warrant the modest increment of payment set forth in this decision. Moreover, the additional payment is mandatory if we are to attain equity of returns as intended by these provisions.

On the basis of the hearing record it is evident that the cost of rendering the required marketwide services has been at least equal to the amount of the payments received by the qualified cooperatives. Considering the requirements set forth in this decision expenditures by the cooperatives for marketwide services will continue to equal or exceed the amount of the payments.

III. *Other modifications.* The order also should be modified to:

(1) Require certain public reports by cooperatives receiving payment.

(2) Modify the requirements in regard to additional payments to cooperatives on the basis of the operation of marketing facilities.

(3) Provide for certain miscellaneous changes related to the cooperative payments provisions.

A. *Public disclosure.* The record established that there is a need for more adequate public disclosure concerning the use of the funds paid to cooperatives under these provisions. Since all producers have an equal interest in the producer-settlement fund from which such payments are made, information on the use of payments for marketwide services should be available to all producers. While it is true that roughly 70 percent of the amount paid to cooperatives for marketwide services has been contributed by members of the associations receiving such payments, the program is designed to serve all producers. Regardless of cooperative affiliation, all producers also should be kept informed of their collective financial contribution to the various aspects of this program and the nature of services performed. For this reason, each qualified cooperative should make public, in accordance with rules and regulations issued by the market administrator, a complete annual report of its activities on behalf of all producers. This report should include relevant data on the receipt and use of cooperative payment funds.

Allocations of expenditures should be made to various categories of marketwide services. Narrative description of services rendered should be ordered in a similar manner. Categories of service and such other specification of the public report should be in accordance with rules and regulations issued by the market administrator.

In addition, the annual report to the market administrator should include a detailed report of the prior annual activity. Basis for allocations of expenditures filed in the public report also should be explained. All data in both reports shall be subject to verification. Prior to its issuance, the public report shall be submitted to the market administrator for certification. After verification, the market administrator shall certify that the report is, to the best of his knowledge, accurate and in accordance with the rules and regulations which he has established. Such certification shall be published with the report.

In order to assure that the qualified organizations continue to plan and administer a well-organized and adequate program, each organization also should submit annually to the market administrator, in accordance with the rules and regulations, a brief description of its program of marketwide services for the coming year, including a proposed budget.

These new provisions for public disclosure of the receipts and use of cooperative payment funds will provide an opportunity, in a manner not heretofore available, for a critical anaylsis by interested parties of cooperative activities under this program. To further assure that interested parties are adequately informed as to the expenditures of such funds, they may be reviewed under the provisions of § 1002.81(i).

B. *Requirements in regard to marketing facilities.* The order now provides for an additional payment to be made to a cooperative that operates marketing facilities, i.e., pool plants, because of the added value of the services performed by such an association.

It is desirable that the cooperative payments program continue to recognize the added value of services provided by a cooperative directly engaged in marketing the milk of its members without placing an incentive on the retention of unneeded facilities. It was pointed out during the hearing, that recent technological changes have led to the closing of many country plants. These payments to cooperatives should not encourage the maintenance of inefficient or unnecessary plant facilities. Nevertheless, a cooperative that is directly engaged in the daily process of marketing the milk of its members does perform services to the whole market that are of greater value than the services rendered by an association whose activities are more remote from the actual marketing process. The source and nature of the added value of these marketwide services have been discussed previously. As conversion to bulk handling continues, country plants designed to receive can milk are being replaced by direct shipment of bulk tank milk. Under such circumstances, pool bulk tank units frequently become the equivalent of the pool plants that are closed. Moreover, the cooperative operating bulk tank units is engaged in direct marketing on a daily basis.

Under the provisions hereinafter set forth qualification of cooperatives for the added payment based on marketing facilities should take into account both pool plants and pool bulk tank units operated by applicant cooperative or federation.

It was suggested in the latter part of this hearing that a cooperative eligible to receive the supplemental payment for operations also should be required to own and operate surplus facilities of a certain minimum capacity. The value of such cooperative facilities has been recognized previously in this decision.

The cooperative that operates marketing facilities to handle the milk of its members directly assumes the obligation for disposing of that milk on the market. Having assumed such obligation, the association should equip itself for the job by acquiring any necessary physical equipment such as bulk tank pickup trucks, receiving plants, and processing facilities as well as establishing the all important business contacts of both a formal and informal nature. It thus acquires the physical means to be better able to provide an alternative outlet to producers when circumstances require emergency action of this nature.

From the standpoint of all producers the maintenance of cooperative processing facilities is of critical importance. For this reason, the cooperative receiving this additional payment should be required to maintain a level of processing capacity under its control that would be expected to meet this need. Because of the large volume of milk produced for this market, such required processing capability should be substantial. The largest plants in the milkshed are capable of handling 1 million pounds of milk per day. A cooperative receiving additional payments from the pool because of the value accruing from marketing ability should be required to maintain facilities capable of handling this capacity but not less than 10 percent of their members' milk.

It was alleged at the hearing that the proprietary plants rendered the same balancing service as cooperative plants. However, this contention was refuted by the evidence submitted relative to the receipt of milk by proprietary vs. cooperative plants. The receipts of milk by Dairymen's League and Northeast and the increasingly large proportion of the Order 2 milk converted into butter and powder by these organizations during periods of unfavorable margins demonstrated the unique balancing function served by these facilities. The Dairymen's League took milk directly from nonmember producers in some of their facilities. The maintenance of such facilities should not be construed to mean free use by nonmembers. As indicated previously, nonmembers received substantial benefits indirectly from such facilities even though they may not market any of their own milk through such plants. Facilities maintained by cooperatives or federations receiving an operating increment should continue to serve all

producers. Such associations should be required to receive nonmember milk on a temporary basis at the generally prevailing arrangements for such services in the market. A handling charge may be necessary to provide reasonable equity between members who have made greater investments in such facilities than nonmembers. All producers have contributed to marketing facilities through cooperative payments but members have made additional capital investments in order to assure that orderly marketing conditions shall prevail.

At least one witness testified to the current and potential problems associated with imported butterfat-sugar mixtures and with substitutes. Rendering services on these matters by cooperatives has taken several forms. Some action was taken by testifying before Congressional committees and the Federal Tariff Commission with respect to import quotas while on the other hand cooperatively owned marketing facilities have absorbed some of the milk displaced by imports.

C. *Miscellaneous changes.* During the period that the current provisions have been in effect, each of the two qualified cooperatives has devised an affiliation program whereby other cooperatives may join with it in order to undertake collective action on a formal and continuous basis. The additional unity of effort to be gained through such a program is desirable and should be encouraged as a means to provide greater services on behalf of all producers. Analogous concerted efforts by cooperatives by means of federation agreements have been fostered under the present payment program and the provisions should be extended to include this new vehicle of cooperation. A cooperative thus should be eligible to apply for payments based on the membership of its affiliated cooperatives as well as its direct membership. Payments should be made on the basis of such affiliation provided the arrangement meets requirements similar to those required of a federated-type of organization.

The present order prescribes the method whereby the market administrator shall take action to "disqualify" a cooperative or federation no longer deemed eligible to receive payments. There is an undesirable stigma associated with this term "disqualification", however, which may be construed by some to imply illegal actions or dishonesty on the part of the organization being declared ineligible. Generally, disqualification does not stem from this type of unsavory action, but rather it is a result of a change in status associated with the rate of payment or the voluntary dissolution of a federated cooperative. The words "designation" and "removal of designation" should be substituted for "Qualification" and "Disqualification" to prevent unintentional misunderstandings of the nature of the official action.

Currently the order enumerates certain conditions whereby a qualified federation may become ineligible for that portion of its payments based on membership, milk, or operation of a noncomplying federated cooperative. Partial disqualification is also provided for both cooperatives and federations under the provisions that accompany this decision.

The present provisions were criticized on the record on the basis that qualified groups were encouraged to raid each other for additions to membership. While transfers of membership may be expected to occur, little concrete evidence of intentional cross-solicitation was shown. It was alleged also that payments currently provide an incentive for cooperatives to draw nonpool producers into the pool regardless of fluid needs of the market. Again the record does not provide substantiation of the charge.

It is desirable that cooperatives continue their efforts to increase membership. These provisions, however, should encourage them to concentrate their activities on producers for this market who have not yet joined a cooperative. For this reason, an organization should not receive payments based on membership or milk deliveries of any producer before he has been a pool producer for at least a year. Conflicting membership claim otherwise shall be resolved in favor of the prior active membership of the producer.

Present provisions prohibit counting a producer more than once in determining membership of the various eligible cooperatives or federations. Nor may more than one organization receive payments based on the same milk delivered by a producer. This principle will be continued and extended somewhat under the waiting period required in the amendments accompanying this decision.

Rulings on Proposed Findings and Conclusions

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

General Findings

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

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

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

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

(d) The terms and conditions in the amendments are incidental to, and not inconsistent with, the terms and conditions specified in subsections (5)–(7) of section 8c of the Act (7 U.S.C. secs. 608c (5)–(7)) and necessary to effectuate the other provisions of the order.

(e) The terms and conditions in the amendments are necessary in the circumstances to accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in the relevant Acts of Congress, and as will tend to promote efficient methods of marketing and distribution.

Recommended Marketing Agreement and Order Amending the Order

The following order amending the order as amended regulating the handling of milk in the New York-New Jersey marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Section 1002.81 is revised to read as follows:

§ 1002.81 Cooperative payments for marketwide services.

Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a state; is qualified under the Capper-Volstead Act (7 U.S.C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives which is duly incorporated under the laws of a State.

(3) "Federated cooperatives" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Affiliated cooperatives" means a cooperative upon whose entire membership another cooperative, by mutual consent, is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(5) "Member producer" means, when used with respect to a cooperative or federation which is an applicant for or is receiving payments, is a producer as defined in § 1002.6 who has met the following conditions:

(i) He is a member of the cooperative or one of its affiliated cooperatives, or in the case of a federation, he is a member of one of its federated cooperatives from whom the cooperative, affiliated cooperative, or federated cooperative is receiving at least 1 cent per hundredweight of milk delivered by him: *Provided*, That the cooperative of which he is a member is meeting the requirements of this part applicable to it;

(ii) He has been a producer, or his farm, as defined in § 1002.11, had been the farm of a producer for at least a prior 12-month period; and

(iii) He has not for a prior 12-month period been a member producer of another designated cooperative or federation.

(6) "Marketwide services" means services performed by cooperatives or federations, as defined herein, which benefit all producers in the marketing of their milk under this order; such services are not limited to those specified in subparagraphs (1) through (6) of paragraph (e) of this section and may include services directly or indirectly related to the order.

(b) *Designated cooperatives and federations.* A cooperative or federation may submit an application to the market administrator for payments under the provisions of this section or for modification of the basis of a previous designation. In accordance with the requirements of the rules and regulations issued by the market administrator, such application shall include a written description of the applicant's program for the performance of marketwide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the marketwide services; and the application shall contain a statement by the applicant that it will perform the required marketwide services for which it is applying for payments: *Provided*, That in the case of an application for modification of the basis for a previous designation the market administrator may waive the requirement for submission of the written description of the programs. The application shall set forth all necessary data so as to enable the market administrator to determine whether it meets the designation requirements with respect to the payments for which the application is submitted. An application shall be approved by the market administrator only if he determines that:

(1) In the case of a cooperative;

(i) It has as member producers or its affiliated cooperatives have as member producers, not less than 15 percent of all producers, as defined in § 1002.6;

(ii) It has contracts with each of its affiliated cooperatives under which the cooperatives agree to continue as affiliated cooperatives for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which member producers of the affiliated cooperative are to be included within its membership for cooperative payment purposes;

(iii) It receives from each of its affiliated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperatives; and

(iv) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, the cooperative or its affiliated cooperatives operate marketing facilities, i.e., pool plants and pool bulk tank units, at which is received at least 25 percentum, by weight, of all milk delivered by its member producers; and, in addition, the cooperative or its affiliated cooperatives control processing facilities capable of handling at least 10 percentum, by weight, of all milk marketed by its member producers: *Provided*, That such processing facilities must be capable of handling not less than 1 million pounds of milk daily: *Provided further*, That the cooperative must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for acceptance of milk from its own members.

(2) In the case of a federation:

(i) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least 1 year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes;

(ii) It has as member producers not less than 15 percent of all producers, as defined in § 1002.6;

(iii) It receives from each of its federated cooperatives not less than 1 cent per hundredweight of milk delivered by member producers of such cooperative;

(iv) If the application is also for an additional payment under subparagraph (4) of paragraph (f) of this section, the federation or its federated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers; and, in addition, the federation or its federated cooperatives control processing facilities capable of handling at least 10 percentum, by weight, of all milk marketed by its member producers: *Provided*, That such processing facilities must be capable of handling not less than 1 million pounds of milk daily: *Provided further*, That the federation must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for such acceptance of milk from its own members.

(3) The applicant cooperative or federation demonstates that it has the ability to perform the marketwide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of designation or denial; effective date.* Upon determination by the market administrator that a cooperative or a federation shall be designated to receive payment for performance of the marketwide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for marketwide services, the market administrator determines that the cooperative or federation is not qualified to receive such payments he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued designation.* From time to time and in accordance with the rules and regulations which may be issued by the market administrator, each designated cooperative or federation must demonstrate to the market administrator that it continues to meet the designation requirements for the payments and is fully performing the marketwide services for which it is being paid.

(e) *Marketwide services.* Each cooperative or federation shall perform the marketwide services enumerated in this paragraph. Such services shall include: (1) Analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or

otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i.e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; (6) in the case of a cooperative or federation which receives an additional payment under subparagraph (3) or (4) of paragraph (f) of this section, operating marketing facilities, or having affiliated cooperatives or federated cooperatives that operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers; and in addition, controls, or having affiliated cooperatives or federated cooperatives that control processing facilities capable of handling at least 10 percentum, by weight, of the milk marketed by its member producers: *Provided,* That such processing facilities must be capable of handling at least one million pounds of milk daily: *Provided further,* That the cooperative or federation must be willing to accept nonmember milk on a temporary basis under the generally prevailing conditions for such acceptance of milk of its own members; and (7) performing such other services as are needed to maintain satisfactory marketing conditions and promote market stability.

(f) *Rate, computation, time, and method of payment.* (1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 25th day of each month, shall make payment out of the producer-settlement fund, or issue equivalent credit therefore, to each cooperative or federation which is designated for such payments for marketwide services. The payments to a cooperative or federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its member producers, subject to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 3 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph.

(3) Any cooperative that operates marketing facilities or whose affiliated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers, and, in addition, controls, or has affiliated cooperatives that control, processing facilities capable of handling, at least 10 percentum, by weight, of the milk marketed by its member producers but not less than one million pounds of milk daily shall receive a payment in addition to that provided for in subparagraph (2) of this paragraph of one cent per hundredweight of all milk marketed by member producers in accordance with subparagraph (1) of this paragraph.

(4) Any federation that operates marketing facilities, or whose federated cooperatives operate marketing facilities, i.e., pool plant(s) and pool bulk tank unit(s), at which is received at least 25 percentum, by weight, of the milk marketed by its member producers, and, in addition, controls, or whose federated cooperatives control, processing facilities capable of handling at least 10 percentum of the milk marketed by its member producers but not less than 1 million pounds daily, shall receive a payment, in addition to the payment provided for in subparagraph (2) of this paragraph, of 1 cent per hundredweight of all milk marketed by member producers in accordance with subparagraph (3) of this paragraph.

(5) If an individually designated cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specified in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least 1 year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) *Cancellation of designation.* (1) The market administrator shall issue an order wholly or partly canceling the designation of a previously designated cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements of this part: *Provided,* That if one of its affiliated or federated cooperatives has failed to comply with the requirements of this part applicable to it or has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification, the cooperative or federation shall be disqualified only to the extent that its qualification for payments or the amount of its payment are based upon the membership, milk, or operations of such noncomplying affiliated or federated cooperatives.

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator; or

(iii) In the case of the cooperative, it has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(2) An order of the market administrator wholly or partly canceling the designation of a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed cancellation. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of cancellation without further notice: but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing pursuant to rules and regulations issued by him under paragraph (i) of this section.

(3) A cancellation order issued by the market administrator shall set forth the findings and conclusions on the basis of which it is issued.

(h) *Appeals*—(1) *From denials of application.* Any cooperative or federation whose application for designation has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for designation.

(2) *From cancellation orders.* A cancellation order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been canceled by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer-settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the cancellation order shall be held in reserve until such order becomes final and shall then be returned to the producer-settement fund.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or subparagraph (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: *Provided,* That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole

record upon which the appeal shall be decided by the Secretary.

(i) *Regulations.* The market administrator is authorized to issue regulations and amendments thereto to effectuate the provisions of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall have opportunity to be heard. Not less than 5 days prior to the meeting, notice thereof and of the proposed regulations or amendments shall be published in the FEDERAL REGISTER and mailed to qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least 5 days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section must be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the FEDERAL REGISTER following such approval. The regulations or amendments in tentative form shall be forwarded also to cooperatives and federations designated under this section and to other persons upon request in writing. The Secretary shall either approve the regulations or amendments thereto submitted by the market administrator or direct the market administrator to reconsider the tentative rules or amendments. In the event the market administrator is directed to give reconsideration to the matter, the market administrator shall either issue revised tentative regulations or amendments or call another meeting pursuant to this section for additional consideration of the rules or amendments.

(j) *Reports and records.* Each designated cooperative or federation shall, in accordance with rules and regulations issued by the market administrator:

(1) After submission to the market administrator for verification, make a public report of its performance of marketwide services pursuant to this section, including data on its receipts and expenditure of cooperative payments funds and a description of the marketwide services performed. The report shall contain a certification by the market administrator that the report is, to the best of his knowledge, accurate and in accordance with the rules and regulations which he has established.

(2) Submit an annual report to the market administrator which shall include:

(i) A concise report of its performance of marketwide services and allocations of expenditures to such performance for the previous year; and

(ii) An outline of its proposed program and budget for performance of marketwide services for the coming year.

(3) Make such additional reports to the market administrator as may be requested by him for the administration of the provisions of this section.

(4) Maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(k) *Notices, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

(l) *Adjustment period.* Any cooperative or federation which was qualified on the effective date of this section, to receive payments pursuant to the provisions of § 1002.81 as effective, referred to in this paragraph as the "former provisions", shall continue to receive payments pursuant to and subject to the conditions specified in such former provisions on milk received during the 100-day period immediately following the effective date of this section; and if such cooperative or federation has applied for designation pursuant to this section at least 80 days prior to the expiration of such 100-day period, it shall continue to receive payments pursuant to the former provisions until such time as the market administrator has ruled upon such application: *Provided,* That a cooperative or federation may be designated to receive payments pursuant to this section within such 10-day period: *Provided further,* That in no event shall a cooperative or federation receive payments under the former provisions for any period following the effective date of designation of the cooperative or federation under this section. For the purpose and to the extent specified in this paragraph, the provisions of § 1002.81 as effective shall remain in force and effect after the effective date of this section.

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-3988; Filed, Apr. 2, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18110; FCC 68-332]

STANDARD, FM AND TELEVISION BROADCAST STATIONS

Multiple Ownership

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission rules relating to multiple ownership of standard, FM and television broadcast stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. One of the purposes of the Commission's multiple ownership rules is to promote maximum diversification of programing sources and viewpoints. It is well established that "[t]he widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public * * *" Associated Press v. United States, 326 U.S. 1, 20; Scripps-Howard Radio, Inc. v. F.C.C., 89 U.S. App. D.C. 13, 19, 189 F. 2d 677, cert. denied, 342 U.S. 830.

3. Therefore, as part of its continuing study of problems dealing with concentration and diversification of the broadcast media and of allied interests in other public opinion media, the Commission is proposing to amend its rules to promote diversity in the viewpoints expressed over the air in individual localities.

4. Thus, §§ 73.35, 73.240, and 73.636 would be amended to provide:

(a) No license for a standard broadcast station shall be granted to any party if such party already owns or controls an FM or television station in the market applied for;

(b) No license for an FM broadcast station shall be granted to any party if such party already owns or controls an unlimited time standard broadcast or a television station in the market applied for.

(c) No license for a television broadcast station shall be granted to any party if such party already owns or controls an unlimited time standard broadcast or an FM broadcast station in the market applied for.

5. Note 4 would be added to each section to outline the instances where we intend that the rule will apply.

6. Authority for the adoption of the proposed amendments is contained in sections 4 (i), (j), and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules, interested parties may file comments on or before June 26, 1968 and reply comments on or before July 8, 1968. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

8. Applications now on file with the Commission will continue to be processed in accordance with existing rules and precedents. Applications filed during the pendency of this rule making which would be within the scope of the proposed rules will not be acted on until the Commission has determined the action to be taken on the proposed rules.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings,

briefs, and other documents shall be furnished the Commission.

Adopted: March 27, 1968.

Released: March 28, 1968.

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

1. It is proposed to amend § 73.35 of the Commission's rules by adding paragraph (c) and Note 4, as follows:

§ 73.35 Multiple ownership.

* * * * *

(c) Such party directly or indirectly owns, operates, or controls an FM or a television station in the market applied for.

* * * * *

NOTE 4: Paragraph (c) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy. Said paragraph will apply to all applications for new stations as well as to all other applications for assignment of license or transfer of control.

[1] Concurring statement of Commissioners Loevinger and Wadsworth filed as part of the original document; Commissioner Bartley absent.

2. It is proposed to amend § 73.240 of the Commission's rules by adding paragraph (c) and Note 4, as follows:

§ 73.240 Multiple ownership.

* * * * *

(c) Such party directly or indirectly owns, operates, or controls an unlimited time standard broadcast station or a television station in the market applied for.

* * * * *

NOTE 4: Paragraph (c) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy. Said paragraph will apply to all applications for new stations as well as to all other applications for assignment of license or transfer of control.

3. It is proposed to amend § 73.636 of the Commission's rules by adding paragraph (c) and Note 4, as follows:

§ 73.636 Multiple ownership.

* * * * *

(c) Such party directly or indirectly owns, operates, or controls an unlimited time standard broadcast station or an FM station in the market applied for.

* * * * *

NOTE 4: Paragraph (c) of this section will not be applied so as to require divestiture, by any licensee, of existing facilities. Said paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with § 1.540(b) of § 1.541(b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy. Said paragraph will apply to all applications for new stations as well as to all other applications for assignment of license or transfer of control.

[F.R. Doc. 68-3970; Filed, Apr. 2, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I-2088; Classification I-1-607(2)]

IDAHO

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

Correction

In F.R. Doc. 68-2974 appearing at page 4422 in the issue of Tuesday, March 12, 1968, the line under the center heading "Boise Meridian, Idaho" reading " T. 5 S., R. 1 W.," should read "T. 4 S., R. 1 W.,".

[Serial No. AA-2673]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 26, 1968.

The Bureau of Indian Affairs has filed an application, Anchorage Serial No. AA-2673, for the withdrawal of the lands described below from all forms of appropriation under the public land laws. The applicant agency desires the land as a site for the construction of a new dormitory and housing facilities to be used in connection with the Kodiak-Aleutian vocational school at Kodiak, Alaska.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

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

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

Beginning at a point from which Corner 4 of U.S. Survey 562 bears S. 47°30' W., 228.57 feet, the true point of beginning of this description; thence N. 36°58' E. 469.88 feet; thence N. 43°52'30" E., 149.32 feet; thence S. 34°43' E., 323.51 feet; thence N. 55°17' E., 100 feet; thence S. 34°43' E., 25 feet; thence S. 43°38' W., 350.30 feet; thence west, 425 feet to the true point of beginning.

Containing approximately 3.17 acres and situated in the city of Kodiak, Alaska.

CURTIS V. MCVEE,
Acting State Director.

[F.R. Doc. 68-3942; Filed, Apr. 2, 1968; 8:45 a.m.]

[S-1477]

CALIFORNIA

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

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

2. Publication of this notice has the effect of segregating (a) all the public lands described in paragraph 3 from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9; 25 U.S.C. sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C. Ch. 2). The lands shall remain open to all other applicable forms of appropriation.

3. The public lands are located within the following described areas of Humboldt County. For the purpose of this proposed classification, the area has been separated into blocks, each of which has been analyzed in detail and described in documents and maps available for inspection at the Ukiah District Office, 168 Washington Avenue, Ukiah, Calif. 95482, and on the records in the Sacramento Land Office, 650 Capitol Mall, Sacramento, Calif. 95814. The overall descriptions of the areas are as follows:

HUMBOLDT COUNTY, CALIF.
HUMBOLDT MERIDIAN
Lacks Creek Block

All public lands in:

T. 7 N., R. 3 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 and 24.
T. 8 N., R. 3 E.,
Secs. 21 to 27, inclusive;
Secs. 34 to 36, inclusive.
T. 9 N., R. 3 E.,
Secs. 13 to 15, inclusive;
Secs. 22, 23, 26, and 28.
T. 7 N., R. 4 E.,
Sec. 7.
T 9 N., R. 4 E.,
Secs. 9, 17, and 18.

Except the following public lands:

T. 7 N., R. 3 E.,
Sec. 14, SE¼NW¼.

HUMBOLDT COUNTY, CALIF.
HUMBOLDT MERIDIAN
Pecwan Block

All public lands in:

T. 11½ N., R. 3 E.,
Secs. 31 to 35, inclusive.

HUMBOLDT COUNTY, CALIF.
HUMBOLDT MERIDIAN
Showers Mountain Block

All public lands in:

T. 2 N., R. 4 E.,
Secs. 1, 2, 12, and 25.
T. 2 N., R. 5 E.,
Secs. 7, 17, and 18.

HUMBOLDT COUNTY, CALIF.
HUMBOLDT MERIDIAN
Larabee Buttes Block

All public lands in:

T. 1 N., R. 4 E.,
Secs. 16 and 17;
Secs. 20 to 22, inclusive;
Secs. 27 to 29, inclusive;
Secs. 34 and 35.
T. 1 S., R. 3 E.,
Secs. 1 and 12.
T. 1 S., R. 4 E.,
Secs. 1 to 3, inclusive;
Secs. 6, 7, and 18.

Except the following public lands:

T. 1 N., R. 4 E.,
Sec. 27, SE¼SE¼.

HUMBOLDT COUNTY, CALIF.

HUMBOLDT MERIDIAN

Gilham Buttes Block

All public lands in:

T. 3 S., R. 1 E.,
Secs. 12, 13, and 24.
T. 2 S., R. 2 E.,
Secs. 31 and 32.
T. 3 S., R. 2 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 19, inclusive;
Sec. 30.

HUMBOLDT COUNTY, CALIF.

HUMBOLDT MERIDIAN

Iaqua Buttes Block

All public lands in:

T. 3 N., R. 2 E.,
Secs. 1 and 2.
T. 4 N., R. 2 E.,
Secs. 25 and 36.
T. 3 N., R. 3 E.,
Secs. 5, 6, and 7.
T. 4 N., R. 3 E.,
Sec. 31.

Except the following public lands:

T. 3 N., R. 3 E.,
Sec. 6, NE¼SW¼.

HUMBOLDT COUNTY, CALIF.

HUMBOLDT MERIDIAN

Bear River Block

All public lands in:

T. 1 N., R. 1 W.,
Secs. 31 and 32.
T. 1 N., R. 2 W.,
Sec. 36.
T. 1 S., R. 1 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive.

Except the following public lands:

T. 1 S., R. 1 W.,
Sec. 6, SE¼SE¼;
Sec. 8, SW¼NW¼.

The public lands proposed to be classified aggregate approximately 12,780 acres.

4 As provided in paragraph 2, the following lands are segregated from appropriation under the mining laws (totaling approximately 720 acres):

HUMBOLDT COUNTY, CALIF.

HUMBOLDT MERIDIAN

Lacks Creek Block

T. 9 N., R. 3 E.,
Sec. 15, W½SE¼, NE¼SE¼;
Sec. 28, NW¼NE¼.
T. 9 N., R. 4 E.,
Sec. 8, lot 3;
Sec. 9, lots 19 and 20;
Sec. 17, lots 5 and 6.

HUMBOLDT COUNTY, CALIF.

HUMBOLDT MERIDIAN

Showers Mountain Block

T. 1 N., R. 4 E.,
Sec. 1, SE¼SW¼;
Sec. 12, NE¼NW¼.
T. 2 N., R. 4 E.,
Sec. 25, NW¼NE¼, S½NE¼, W½NW¼, SE¼.

HUMBOLDT COUNTY, CALIF.

HUMBOLDT MERIDIAN

Larabee Buttes Block

T. 1 S., R. 4 E.,
Sec. 2, SE¼NE¼, NE¼SE¼.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions or objections in connection with the proposed classification may present their views in writing to the Ukiah District Manager, 168 Washington Avenue, Ukiah, Calif. 95482, or at the public hearing.

6. A public hearing on this proposed classification will be held at the Humboldt County Courthouse, Eureka, Calif., on May 8, 1968, at 7:30 p.m.

For the State Director.

JOHN F. LANZ,
District Manager.

[F.R. Doc. 68-3959; Filed, Apr. 2, 1968; 8:46 a.m.]

[C-3656]

COLORADO

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

MARCH 22, 1968.

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

2. Publication of this notice has the effect of segregating (a) all lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) further segregates the public lands described in paragraph 4 from appropriation under the general mining laws (30 U.S.C. 20). Except as provided in (a) and (b) above the lands described shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

3. Public lands proposed for classification are located within the following described area and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo., and Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

DELTA AND GUNNISON COUNTIES

T. 12 S., R. 89 W.,
Secs. 8, 9, 19, 20, and 27;
Sec. 28, SE¼SE¼, E½SW¼SE¼, NW¼SW¼SE¼;
Secs. 33, 34, 35, and 36.
T. 12 S., R. 91 W.,
Sec. 36.
T. 12 S., R. 94 W.,
Sec. 25;
Sec. 34, lot 28;
Sec. 35, lots 9, 10, 11, 12;
Sec. 36.
T. 13 S., R. 89 W.,
Secs. 1, 4, 5, 6, 7, 8, 9, and 10.
T. 13 S., R. 90 W.,
Secs. 1 to 7, inclusive;
Secs. 10, 11, 12, 18, 30, and 31.
T. 13 S., R. 91 W.,
Secs. 1, 2, 3, 4, 5, 8, 9, 11, 12, 13, 16, 17, 18, 19, 20, 21;
Sec. 22, lot 10;
Secs. 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, and 36.
T. 13 S., R. 92 W.,
Secs. 8, 9, 10, 14, 15, 16, 19;
Secs. 21 to 36, inclusive.
T. 13 S., R. 93 W.,
Secs. 4, 5, 7, 8, and 9;
Secs. 16, 17, 18, 20;
Secs. 22 to 27, inclusive;
Secs. 29, 30, 33, 34, 35, and 36.
T. 13 S., R. 94 W.,
Secs. 2, 10, 11, 13, 14;
Sec. 15, E½NE¼.
T. 14 S., R. 90 W.,
Secs. 6 and 7.
T. 14 S., R. 91 W.,
Secs. 1, 2, 3, 4, 9, 10, 11, 12, 15, 20, 21, 22, 29, 30, 31, and 32.
T. 14 S., R. 92 W.,
Secs. 3 to 9, inclusive;
Secs. 25, 26, 27, 34, 35, and 36.
T. 14 S., R. 93 W.,
Secs. 1, 2, 3, 10, 11, 12, 13, and 30;
Sec. 31, lots 1, 2, NW¼NE¼, NE¼NW¼.
T. 14 S., R. 94 W.,
Sec. 25, E½NE¼, S½SW¼, SE¼;
Sec. 26, S½SE¼;
Secs. 32, 34, 35, and 36.
T. 15 S., R. 91 W.,
Secs. 6, 7, 17, 18, 19, 20;
Sec. 27, NW¼NE¼, NE¼NW¼;
Secs. 29 and 30;
Sec. 31, lot 1, NE¼NW¼, N½NE½, SE¼NE¼.
T. 15 S., R. 92 W.,
Secs. 1, 2, 3, 7, 8, 10, 11, 12, 14, 15, 17, 18, 22;
Sec. 23, NE¼NE¼, W½NW¼;
Secs. 24 and 25.
T. 15 S., R. 93 W.,
Secs. 1, 12, and 13.
T. 15 S., R. 94 W.,
Sec. 2, lots 3, 4, S½NW¼;
Sec. 3, lot 1, SE¼NE¼;
Sec. 5, lot 4;
Sec. 6, lot 1.

The total area described aggregates approximately 63,621 acres in Delta and Gunnison Counties, Colorado.

4. As provided in paragraph 2(b) above, the following lands are further segregated from appropriation under the mining laws:

SIXTH PRINCIPAL MERIDIAN, COLORADO

DELTA COUNTY

Needle Rock Landmark Site

T. 15 S., R. 91 W.,
Sec. 27, NW¼NE¼, NE¼NW¼.

Crawford Site

T. 15 S., R. 91 W.,
Sec. 31, lot 1, NE¼NW¼, N½NE¼.

These lands aggregate approximately 240 acres.

5. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Highway 550 South, Post Office Box 1269, Montrose, Colo. 81401.

6. A public hearing on the proposed classification will be held at 7:30 p.m. on May 7, 1968 in the County Courthouse at Delta, Colo.

E. I. ROWLAND,
State Director.

[F.R. Doc. 68-3941; Filed, Apr. 2, 1968; 8:45 a.m.]

[N-2171]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 26, 1968.

The U.S. Department of Agriculture, Forest Service, has filed the above application for the withdrawal of the lands described below. The land was conveyed to the United States pursuant to section 8 of the Taylor Grazing Act and lies within the exterior boundaries of the Toiyabe National Forest. It has not been opened to entry under the public land laws.

The applicant desires the land for the addition to, and the consolidation with national forest lands to permit more efficient administration.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the addition will be made as requested by the applicant agency.

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

MOUNT DIABLO MERIDIAN

T. 17 N., R. 19 E.,
Sec. 16, SE¼NE¼, W½SE¼.

The area described contains 120 acres.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 68-3943; Filed, Apr. 2, 1968; 8:45 a.m.]

Fish and Wildlife Service

[Docket No. B-428]

STEN HELGE CARLSON

Notice of Loan Application

MARCH 26, 1968.

Sten Helge Carlson, Rock Harbor Road, Orleans, Mass. 02653, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 65-foot length overall wood vessel to engage in the fishery for groundfish and halibut.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) 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.

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

[F.R. Doc. 68-3940; Filed, Apr. 2, 1968; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MEAT IMPORT LIMITATIONS

Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act the following second quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1968 is 925 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1968 is 950.3 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1968 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are not authorized to be imposed pursuant to Public Law 88-482 at this time.

Done at Washington, D.C., this 29th day of March 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-3989; Filed, Apr. 2, 1968; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00237-90-54700. Applicant: Research Foundation of State University of New York (College of Forestry), College Campus, Syracuse, N.Y. 13210. Article: Optical Scanner, Domtar Printograph Mark III. Manufacturer: Testing Machines, International of Canada, Ltd., Canada. Intended use of article: The article will be used to evaluate the printability of paper and provide fundamental information on the factors affecting printing. Comments: No comments have been received in respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a recently developed instrument which has the unique capability of providing objective measures of the print quality of paper.

The Department of Commerce knows of no instrument or apparatus being

manufactured in the United States which has this capability.

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

[F.R. Doc. 68-3932; Filed, Apr. 2, 1968; 8:45 a.m.]

UNIVERSITY OF CONNECTICUT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00291-65-46040. Applicant: University of Connecticut, Storrs, Conn. 06268. Article: Electron microscope, Model EM 300, with 35-mm. film holder and transport mechanism, decontamination device, and goniometer stage. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for various research programs which include the following: (1) Physical biology of bone and hard surfaces; (2) fracture of structural materials; (3) mechanical metallurgy; (4) growth of alloy phases; (5) theory of emulsion polymerization and polymer organosols; and (6) phase agglomeration in block copolymer systems. A discussion of these programs is included in the application. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed resolution of 5 Angstroms. The only known domestic electron microscope is the Model EMU-4 manufactured by the Radio Corporation of America (RCA), which has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstroms, the better the resolving capabilities.) To accomplish the purposes for which the foreign article is intended to be used, the applicant requires the highest available resolution. Therefore, the additional resolving capabilities of the foreign article are pertinent to these purposes. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages, 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltages afford optimum contrast for unstained biological specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained biological specimens. Since the purposes for which the foreign article is intended to be used involve experiments on unstained biological specimens, the additional accelerating voltages of the foreign article are pertinent to such purposes.

For the foregoing reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 68-3933; Filed, Apr. 2, 1968; 8:45 a.m.]

UNIVERSITY OF MONTANA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00332-25-15500. Applicant: University of Montana, Missoula, Mont. 59801. Article: One potentiostat and accessories. Manufacturer: AMEL Apparecchiature Di Misura Elettroniche, Italy. Intended use of article: The article will be used by graduate students in research involving the study of electrochemical reductions. Specifically, the potentiostat current integrator, and accessories will control the potential applied to the system and measure the current used during the reductions studied. Comments: No comments have been received with respect to this application. Decision: Application approved only for following articles: (1) Model 557/SU potentiostat, (2) Model 558/RM electronic integrator, and (3) Model 562/AC amperstatic converter plug-in unit. Reasons: The Model 557/SU potentiostat provides at least 100 volts direct current at 200 to 300 milliamperes. These characteristics of the foreign article are pertinent to the purposes for which this article is intended to be used. We know of no potentiostat being manufactured in the United States, which provides the necessary combination of voltage and current.

The Model 558/RM electronic integrator and Model 562/AC amperstatic converter plug-in unit are especially designed accessories for the Model 557/SU potentiostat. We know of no similar accessories being manufactured in the United States, which fit the Model 557/SU potentiostat.

The application is denied with respect to the following articles: (1) Model 494 cell for coulometry on mercury pool; (2) Model 511/ST stand with cell holder and connectors; (3) Model 391/C heating magnetic stirrer; and (4) Model 390/G reference calomel electrode. The articles are not accessories which must operate integrally with the Model 557/SU potentiostat. The articles for which duty-free entry is denied are standard stock items. Comparable items are being manufactured in the United States, which are of equivalent scientific value to these foreign articles for the purposes for which they are intended to be used.

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

[F.R. Doc. 68-3934; Filed, Apr. 2, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SCHERING CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Schering Corp., Bloomfield, N.J. 07003, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9425), proposing amendments to certain food additive regulations in Subpart C of Part 121 to provide for the safe use in chicken feed of a combination drug consisting of dienestrol diacetate and zinc bacitracin at growth promotant and therapeutic levels, alone or in combination with amprolium.

Dated: March 25, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-3977; Filed, Apr. 2, 1968; 8:48 a.m.]

2-AMINOBUTANE

Notice of Further Extension of Temporary Tolerance

Elanco Products Co., a Division of Eli Lilly & Co., Indianapolis, Ind. 46206, was granted an extension of a temporary

tolerance of 20 parts per million for residues of the fungicide 2-aminobutane in or on the raw agricultural commodities apples, lemons, and oranges (extension notice was published in the FEDERAL REGISTER of Nov. 23, 1966; 31 F.R. 14852). This temporary tolerance was to expire November 9, 1967, but more time was granted and it expired December 15, 1967.

In order to obtain additional data on animal feeding studies using dried citrus pulp from treated lemons and oranges under commercial field conditions rather than by the addition of the fungicide to a complete feed, the company has requested a further extension of the temporary tolerance for 1 year regarding lemons and oranges. The Commissioner of Food and Drugs has determined that such extension of the temporary tolerance regarding lemons and oranges will protect the public health.

A condition under which this temporary tolerance is extended is that the fungicide will be used in accordance with the temporary permit issued by the U.S. Department of Agriculture. Distribution will be under the Elanco Products Co. name.

This temporary tolerance expires on December 15, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated by him to the Commissioner (21 CFR 2.120).

Dated: March 26, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-3978; Filed, Apr. 2, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-303]

FLORIDA POWER CORP.

Notice of Withdrawal of Application for Utilization Facility License

Notice is hereby given that Florida Power Corp., 101 Fifth Street South, St. Petersburg, Fla. 33701, has pursuant to 10 CFR 2.107, withdrawn its application dated August 9, 1967, for licenses to construct and operate Unit No. 4 of the proposed Crystal River Nuclear Generating Plant at its site about 7½ miles northwest of Crystal River in Citrus County, Fla.

Notice of the receipt of the application was published in the FEDERAL REGISTER on August 31, 1967, 32 F.R. 12634.

Dated at Bethesda, Md., this 28th day of March 1968.

For the Atomic Energy Commission.

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

[F.R. Doc. 68-3931; Filed, Apr. 2, 1968; 8:45 a.m.]

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Order and Notice Changing Place of Hearing

In the matter of the application by Metropolitan Edison Co. for a provisional construction permit for the Three Mile Island Nuclear Power Station, Unit 1.

In this proceeding a prehearing conference was held on March 29, 1968, in Middletown, Pa., at the time and place specified in the Board's order and notice dated February 16, 1968, and published at 33 F.R. 3084. This order confirms the Board's ruling which was stated on the record that the hearing shall be commenced at the time specified in the cited order, and the terms of this order provide notice that the place of the hearing is changed. In all respects other than the place of hearing the information and procedural provisions of the cited order and notice are not modified.[1]

It is ordered, This 1st day of April 1968 that the hearing upon the provisional construction permit application of Metropolitan Edison Co. shall be commenced at 10 a.m., local time on Wednesday, April 10 in the Middletown Community Building Auditorium at 60 West Emaus Street in Middletown, Pa. 17057.

It is further ordered, That this order and notice shall be promptly published in the FEDERAL REGISTER.

Issued: April 1, 1968, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
J. D. BOND,
Chairman.

[F.R. Doc. 68-4044; Filed, Apr. 2, 1968; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 19148, 19149; Order E-26595]

LAKE CENTRAL AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 29th day of March 1968.

Application of Lake Central Airlines, Inc. under section 401 of the Federal Aviation Act of 1958, as amended, for amendment of its certificate of public convenience and necessity for route 88.

Application of Lake Central Airlines, Inc. for order to show cause or, alternatively, for exemption authority.

On October 20, 1967, Lake Central Airlines, Inc., filed two applications, Dockets 19148 and 19149. The first requested the amendment of its certificate for route 88 to extend segment 4 from Columbus to Pittsburgh and delete the requirement of condition (4) that it serve at least one intermediate stop between Columbus and Pittsburgh, so as to make possible nonstop service between Pittsburgh and Columbus, Dayton, and Cincinnati. The second requested the issuance of a show cause order looking to the expedited grant of the same authority, or alternatively the issuance of an exemption pending action on its certificate application.

In support of its latter application Lake Central alleged that: Grant of its request would enable it to provide improved service in a number of its Pittsburgh markets—specifically, nonstop service to Columbus, Dayton, and Cincinnati, one-stop service to Indianapolis and Evansville, and two-stop service to St. Louis;[1] of these markets, Pittsburgh-Evansville is served by no other carrier, Pittsburgh-Cincinnati by American Airlines, Inc. (American), and Trans World Airlines, Inc. (TWA), and the remaining four by TWA only; a total of 68,604 passengers would be benefited and the new services would result in a subsidy need reduction of at least $363,000;[2] the new services would supplement the existing services of the trunkline carriers but the diversionary impact upon the trunklines and other carriers would be negligible; this award would strengthen Lake Central by improving its system averages for passenger journeys, fares, and aircraft hops.

Answers in support of Lake Central's second application were filed by the City of Dayton, Ohio, and the Dayton Area Chamber of Commerce, the city of Evansville, Ind., the Greater Cincinnati Chamber of Commerce, and the Ohio Department of Commerce.

American and TWA filed answers opposing only Lake Central's request for nonstop Pittsburgh-Cincinnati authority. They alleged generally that ample competitive service is now being provided in this market, that Lake Central's proposal would not provide any significant public benefits, and that this portion of the proposal would be uneconomic.

Upon consideration of the foregoing pleadings we have decided to grant in part the request of Lake Central for an order to show cause, and we tentatively find and conclude that the public convenience and necessity require the amendment of Lake Central's certificate for route 88 so as to extend segment 7 from the terminal point Columbus to the new terminal point Dayton; to delete from condition (4) the present one-stop restriction between Columbus and Pittsburgh; and to add a two-stop restriction between Dayton and Washington or

[1] For example, the now elapsed time for seeking intervention without a special showing of good cause for delay is not revised or extended. No person has sought to intervene as a party by either a pleading or an appearance at the prehearing conferencee.

[1] Lake Central already holds Pittsburgh one-stop authority to Indianapolis and Evansville and two-stop authority to St. Louis via segment junction points other than Columbus or Dayton; however, these alternative routings are more circuitous, and flights over them would not enjoy the traffic support of flights via Columbus or Dayton.

[2] In costing its proposed new services, the carrier assumed that the portions of flights west of Columbus, Dayton, or Cincinnati would represent flights which would in any event be operated in 1968.

Baltimore.[3] In addition, we tentatively find and conclude that Pittsburgh-Columbus and Pittsburgh-Dayton nonstop services should be subsidy-ineligible.

In support of our ultimate finding, we tentatively find and conclude as follows: It has long been the Board's policy to liberalize the operating authority of local service carriers when doing so would provide benefits for the carrier, the public, and the government without incurring any adverse consequences. In this case, by granting the permissive authority outlined above, we liberalize Lake Central's existing operating authority in markets in the heart of its system, thereby allowing Lake Central greater scheduling flexibility, opportunities for more efficient use of its existing stations and equipment, and new avenues to achieve cost savings. Furthermore, this authorization being permissive, Lake Central may use the authority when practical and economic. In other words, this grant will be of great benefit to Lake Central in improving the efficiency of its operations without imposing new operating burdens and obligations on the carrier.

Beyond these carrier benefits, the increased efficiency of Lake Central as a result of this authorization should in turn redound to the benefit of the Government since it will aid the carrier in reducing its subsidy need.[4] Moreover, since we are granting this authorization on a subsidy-ineligible basis, when Lake Central does utilize the authority its subsidy payments will be decreased by reason of the gross revenue reduction aspect of the present class rate.

Lake Central has estimated that its gross transport revenues will increase by $1,682,000 as a result of the authority it requests. We find that the increase in gross transport revenues, for the first full year of operations, will fall within the $1 million–$5 million range as set forth in section 389.25 (schedule of filing and licensing fees).

We also tentatively find that this authorization should provide measurable benefits for the public. With the exception of the Evansville-Pittsburgh markets, the other markets involved herein are of substantial size with traffic flows of local and connecting passengers ranging between over 30,000 and 50,000 annually. But at the present time four of these Pittsburgh markets are served on a nonstop basis only by TWA. With this authorization, however, Lake Central will be able to provide nonstop service in the Columbus/Dayton-Pittsburgh markets; one-stop service in the Cincinnati/Evansville/Indianapolis-Pittsburgh markets; and two-stop service in the St. Louis-Pittsburgh market. Moreover, the ability of Lake Central to provide service in these markets will provide a competitive spur to TWA and give the traveling public a choice of airline schedules.

Lastly, we tentatively find that these benefits are obtainable without subjecting either American or TWA to any significant amount of diversion. Neither American nor TWA opposed the grant of liberalized authority to Lake Central in the Pittsburgh-Columbus/Dayton/Indianapolis/Evansville/St. Louis markets nor did they allege that they would be subjected to any diversion from the possible inauguration of new services in those markets. And with regard to the one market in which they did oppose the granting of improved authority to Lake Central, the Pittsburgh-Cincinnati market, we have decided not to grant Lake Central's request for nonstop authority in this market because it is now being provided with competitive service by two trunkline carriers and Lake Central has not shown that significant benefits would be derived from this authorization.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and materials facts he would except to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Lake Central's certificate of public convenience and necessity for route 88 by extending segment 7 thereof from the terminal point Columbus, Ohio, to the new terminal point Dayton, Ohio; by deleting from condition (4) thereof the requirement that the holder schedule service to a minimum of one intermediate point between Columbus, Ohio, and Pittsburgh, Pa.; by adding a requirement that the holder schedule service to a minimum of two intermediate points between Dayton, Ohio, and either Washington, D.C., or Baltimore, Md.; and by adding nonstop services between Pittsburgh, Pa., and either Columbus or Dayton, Ohio, to the list of services made ineligible for subsidy;

2. To the extent not granted herein, the application of Lake Central Airlines, Inc., in Docket 19149 be and it hereby is denied;

3. Any interested person having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;[5]

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order shall be served upon the city of Cincinnati, Ohio; the city of Columbus, Ohio; the city of Dayton, Ohio, the Dayton Area Chamber of Commerce; the city of Evansville, Ind., the city of Indianapolis, Ind.; the city of Pittsburgh, Pa.; the city of St. Louis, Mo.; and Lake Central Airlines, Inc., who are hereby made parties to this case.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-3951; Filed, Apr. 2, 1968; 8:46 a.m.]

[3] The proposed amendments will grant all the liberalized authority sought herein by Lake Central except Pittsburgh-Cincinnati nonstop authority, which we have decided to deny. We propose extending segment 7 to Dayton rather than segment 4 to Pittsburgh in order to avoid any question as to whether the Pittsburgh-Columbus nonstop authority granted is permissive. The Dayton-Washington/Baltimore two-stop restriction will preserve the status quo in these markets.

[4] Although we believe that Lake Central's forecast of a reduction in subsidy need of $363,000 in the forecast year of 1968 is overstated, we also believe that as traffic develops the liberalized authority granted herein will be of great benefit to the carrier, in terms of achieving a subsidy reduction. In any event, ad hoc adjustment in Lake Central's subsidy payments will not be necessary.

[5] All motions and/or petitions for reconsideration shall be filed within the period for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

CIVIL SERVICE COMMISSION

VETERINARIAN

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 14, 1968, for positions of Veterinarian, GS-701-11, Nationwide.

Appointees to these positions may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 68-3953; Filed, Apr. 2, 1968; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-346]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

MARCH 29, 1968.

In accordance with the Commission's action of March 27, 1968, granting a wavier of § 1.571(c) of its rules to permit acceptance and expeditious consideration of this application, notice is hereby given that on May 7, 1968, the following application

KPLC, Lake Charles, La., Calcasieu Television and Radio, Inc., Has: 1470 kc, 1 kw, 5 kw-LS, DA-N, U., Request: 1470 kc, 5 kw, DA-N, U.

will be considered as ready and available for processing. Pursuant to the provisions of §§ 1.227(b)(1) and 1.591(b) of the rules, an application, in order to be considered with this application, or with any other application on file by the close of business on May 6, 1968, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on May 6, 1968, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 27, 1968.

Released: March 29, 1968.

By the Commission.[1]

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

[F.R. Doc. 68-3971; Filed, Apr. 2, 1968; 8:48 a.m.]

[Docket No. 18108; FCC 68-330]

RADIOTELEPRINTER COMMUNICATIONS SYSTEMS

Notice of Inquiry

In the matter of inquiry into the use of radioteleprinter communication systems in the land mobile services under Parts 89, 91, and 93 of the Commission's rules.

1. The rules governing the Public Safety, Industrial and Land Transportation Radio Services (Parts 89, 91, and 93, respectively) make frequencies available for radiotelephony. The concept of these rules is that the land mobile services they provide for involve primarily two-way voice communications. There are however provisions for deviations from this where an unusual requirement that can only be met by use of other emissions can be demonstrated. General use of nonvoice communication systems such as radioteleprinters, however, is not contemplated.

2. Recent advances in the design and construction of radioteleprinters have made practical the reception of printed messages in automobiles, trucks, and other moving vehicles. Several companies are now prepared to manufacture and sell the devices necessary for radioteleprinter communications over existing or new radiotelephone systems, or for that matter, over radio circuits devoted entirely to teleprinter operations. Police and fire departments, and railroads are often mentioned as potential users of mobile teleprinters, and we have already received inquiries concerning their possible authorization in the land mobile services governed by Parts 89, 91, and 93 of the Commission's rules. Since these rules do not now contemplate the establishment of new services of this nature, it is proper that we consider their modification, if there is to be widespread application and use of mobile teleprinters, and that the operational, technical, and administrative problems be examined thoroughly in the process.

3. The Report of the Science and Technology Task Force of the President's Commission on Law Enforcement and Administration of Justice discusses the use of teleprinters in police mobile radio networks. The report concludes that radioteleprinter links with patrol cars are technically feasible and that there may be specific applications which would warrant the use of both one-way and two-way radioteleprinter links. The report includes the following specific recommendation: "An operational evaluation should be undertaken to assess the advantages of mobile teleprinters for Police operations. If these are found to be significant, then a system design program would be needed to:

a. Examine how mobile teleprinters can best be integrated into existing police voice communications systems.

b. Determine through analysis and test the magnitude of the error rate problem in high multipath areas.

c. Make a comparative evaluation of alternative error reducing techniques.

d. Evaluate alternative methods for multiplexing teleprinter links within voice channels.

e. Prepare equipment and system specifications.

4. It is the purpose of this inquiry to provide a vehicle for the evaluation referred to by the Task Force Report and to otherwise explore possible application of mobile teleprinters to the various land mobile communication requirements, to assess the various technological developments that have been made, to determine the need for, and extent of, standardization necessary or desirable, to determine the impact of potential teleprinter communication developments on the frequencies available to the land mobile radio services and, in general, to obtain information necessary for the establishment of rules and policies governing their use. Accordingly, the Commission invites interested persons to supply information and comments on these general areas and more specifically as follows:

a. Information on existing mobile teleprinter equipment and on equipment under development or likely to be developed in the near future, including performance, reliability, signal transmission, and printing modes used.

b. Information concerning existing and potential uses of teleprinters in the private land mobile radio services, with particular regard to the type of radio users likely to employ mobile teleprinters.

c. The extent to which mobile teleprinters may be reasonably expected to complement existing voice systems and, similarly, the extent to which they may be expected to perform as substitutes for voice systems.

d. The expected frequency requirements of teleprinter mobile communications generally and with respect to the following:

(1) Should teleprinters be authorized on all frequencies in all frequency bands available for two-way private land mobile communications, and should they be authorized in all services governed by Parts 89, 91, and 93?

(2) Can more than one teleprinter channel be accommodated within a single voice channel?

(3) Can radioteleprinter emission be accommodated on very narrow channels? That is, less than for radiotelephony?

(4) Can existing teleprinters, or teleprinters under development be accommodated on the narrow frequency bands listed in §§ 91.8(j), 93.204(b), and 89.101 of the rules?

(5) Can radioteleprinters be used on a cooperative sharing basis as allowed under §§ 89.13, 91.6, and 95.3, and, if so, should shared use be required in any cases?

(6) Can two-way radiotelephony systems and one-way radioteleprinters share the same channels, or is it necessary that discrete and separate bands or frequencies be set aside for teleprinters?

(7) If teleprinter and telephony systems can share common frequencies, would existing mobile receivers be required to be modified to permit cochannel radioteleprinter/radiotelephony in the same area?

(8) What are the estimated communication channel requirements for the immediate future and in the next 10 years?

(9) What is the extent of saving in total spectrum requirements in the private land mobile services, if any, that can be expected through the use of teleprinters?

e. The extent and kind of standards required with particular regard to:

(1) Frequency bandwidths, frequency tolerance, power limits, types of emission, and type acceptance of equipment.

[1] Commissioner Bartley absent; Commissioners Cox and Johnson abstaining from voting.

(2) Whether there should be two basic system requirements, one for simultaneous teleprinter transmissions with speech transmission in a single voice channel and the other a narrow band for teleprinters only.

(3) Whether the types of codes to be used in mobile radio teleprinter systems should be specified and limited in number.

(4) The requirements with respect to radio operators that should be applicable to operation of teleprinter transmitters.

(5) Station identification requirements, e.g., where voice and teleprinter are multiplexed, should station identification requirements apply separately to the voice and telegraph channels?

5. Operation of equipment and systems in the environment and in the manner they may ultimately be expected to perform will unquestionably be helpful in responding to many of the questions we have raised. It is part of the intent of this notice to provide for and encourage such operation on a temporary basis not to exceed the date for filing comments in this proceeding for the specific purpose of affording data and information relating to performance under actual operating conditions. We caution users however against premature attempts to establish operations on a permanent basis and against integration of teleprinter systems into their operations in a manner that cannot be discontinued when the data and information gathering program has been completed. We expect to issue no more developmental authorizations than are required to afford a reasonable data spread and sampling of the various conditions under which the teleprinters may be employed. Authorizations will be issued only on presentation of a clearly defined program for evaluation of problems, exploration of possibilities and acquisition of operational technical data and information which cannot be obtained through laboratory or other procedures not requiring "on the air operation." In each case periodic reports will be expected during the course of the test operations and a complete report with findings and conclusions when the test is completed.

6. The recently completed work of the Land Mobile Radio Advisory Committee included investigation of the technical feasibility of transmitting voice and tone signals intended for mobile reception, over FM broadcasting stations by means of multiplex techniques. This kind of secondary operation is now permitted as a specialized broadcasting service under a subsidiary communication authorization that may be issued to an FM broadcasting station licensee. The advisory committee has recommended consideration of the possibility of utilizing the FM broadcasting station multiplex technique for some land mobile requirements, particularly where one-way systems that may not require a "talk back" capability may be utilized. We do not intend, in this proceeding, to open up all the questions that will be posed with respect to the possibility of transmitting the information necessary to activate mobile teleprinters over FM broadcasting stations, but we invite attention to that possibility. Comment and information relative to this will be given consideration and may be used as a basis for further exploration of the matter. Some of the more obvious areas of concern would include such consideration as the number of printer circuits that could be accommodated without interference or appreciable degradation of the primary broadcast transmission, compatibility of the two operations with respect to operating hours, the contractual relationship between the broadcasting station licensee and the land mobile user, and of course reliability aspects.

7. We want to emphasize that this is a preliminary proceeding that looks primarily toward a possible further proceeding that would modify the rules governing the Public Safety (Part 89), the Industrial (Part 91), and the Land Transportation (Part 93) radio services. In this aspect we wish to explore fully all considerations pertinent to the authorization and use of teleprinters in these services and to the drafting and adoption of suitable rules within Parts 89, 91, and 93 to govern their use. Secondarily, we are hopeful that the comment and information elicited with respect to the utilization of FM broadcasting stations for land mobile transmission will form a reasonable basis for a judgment as to the desirability of further exploration in another proceeding which would involve primarily an amendment of the rules governing the Broadcast Service.

8. In conclusion, we direct attention to a portion of the Second Report and Order in Docket No. 13847 in which a number of frequencies were reserved for possible radioteleprinter use. While not all of these frequencies will be immediately available, the 25 kc/s split channels will be available on June 1, 1968, for developmental radioteleprinter operations. These frequencies are listed in the attached appendix. For the operational tests, the Commission will consider requests for use of emissions on the frequencies listed in the appendix which have bandwith requirements exceeding those allowed for voice transmissions. Additional frequencies in the 450 to 470 Mc/s band as well as in other bands may be made available for use of radioteleprinters if their compatibility with stations authorized on a regular basis can be established.

9. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this Inquiry shall furnish comments on or before December 31, 1968. An original and 14 copies of each response must be filed as required by § 1.419 of the Commission's rules and regulations.

Adopted: March 27, 1968.

Released: March 29, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[1] Commissioner Bartley absent.

APPENDIX

Frequencies reserved for possible radioteleprinter use:

Base (*Mc/s*)	*Mobile* (*Mc/s*)
462.950	467.950
462.975*	467.975*
463.000*	468.000*
463.025*	468.025*
463.050	468.050
463.075*	468.075*
463.100	468.100
463.125*	468.125*
463.150	468.150
463.175*	468.175*

*Available June 1, 1968.

[F.R. Doc. 68-3972; Filed, Apr. 2, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

LYKES BROS. STEAMSHIP CO., INC., AND SHUN CHEONG STEAM NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. W. J. Amoss, Jr., Vice President—Traffic Division, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70150.

Agreement No. 9624-2, between Lykes Bros. Steamship Co., Inc., (Lykes), and Shun Cheong Steam Navigation Co., Ltd. (Shun Cheong), modifies the transshipment agreement between the parties to show more specifically Shun Cheong's portion of the through rates.

Dated: March 29, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 68-3983; Filed, Apr. 2, 1968; 8:48 a.m.]

PORT OF SEATTLE AND OLYMPIC STEAMSHIP CO.

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. Wade Thompson, Assistant Manager, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T–2150 between the Port of Seattle (Port) and Olympic Steamship Co. (Olympic) is a lease of property to Olympic upon which Olympic will construct a warehouse. Rental will be a fixed monthly sum. Olympic shall have four options to renew the lease for 5-year periods. It is agreed that all incoming shipments which Olympic can control or direct shall be made through facilities at Seattle, if there will be no resulting cost or time disadvantage to Olympic.

Dated: March 29, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–3984; Filed, Apr. 2, 1968; 8:48 a.m.]

STATES MARINE LINES, INC. ET AL.

Notice of Agreement Filed for Approval

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

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

States Marine Lines, Inc., Global Bulk Transport Inc., and Isthmian Lines, Inc.

Notice of agreement filed for approval by:

Mr. Robert N. Kharasch, Galland, Kharasch, Calkins and Lippman, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. 9641–1, between States Marine Lines, Inc., Global Bulk Transport Inc., and Isthmian Lines, Inc., a joint cargo service, (1) extends the geographical scope to and from ports of the United States (including its territories and possessions) to include Hong Kong, the State of Singapore, the Federation of Malaya, Sarawak, British North Borneo, Labuan, the State of Brunei, the Republic of Indonesia, Portuguese Timor, and West Irian, (2) provides that any one of the parties or States Marine-Isthmian Agency, Inc., by any duly authorized officer, may sign as agent for the Agreement in becoming a party to any conference, pooling or other agreement, and (3) as the remaining terms and conditions are unchanged from those of the basic agreement, supersedes Agreement No. 9641.

Dated: March 29, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68–3985; Filed, Apr. 2, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

ALCAR INSTRUMENTS, INC.

Order Suspending Trading

MARCH 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alcar Instruments, Inc., 225 East 57th Street, New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 28, 1968, through April 6, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–3945; Filed, Apr. 2, 1968; 8:46 a.m.]

URANIUM KING CORP.

Order Suspending Trading

MARCH 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Uranium King Corp., Post Office Box 6217, Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 29, 1968, through April 2, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–3946; Filed, Apr. 2, 1968; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3300 etc.]

DIAMOND SHAMROCK CORP.

Order Amending Orders

MARCH 26, 1968.

Diamond Shamrock Corporation (successor to the Shamrock Oil and Gas Corporation); Docket No. G–3300 etc.

Order amending orders issuing certificates of public convenience and necessity, accepting notices of succession to FPC gas rate schedules for filing, redesignating FPC gas rate schedules, substituting respondents, redesignating proceedings, and accepting agreement and undertaking for filing.

On January 3, 1968, Diamond Shamrock Corp. (Petitioner) filed in Docket No. G–3300 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to The Shamrock Oil and Gas Corp. (Shamrock) by substituting Petitioner in lieu of Shamrock as certificate holder, all as more fully set forth in the petition to amend and in the appendix hereto.

Petitioner merged Shamrock effective December 19, 1967, and proposes to continue without change the sales of natural gas in interstate commerce authorized to be made by Shamrock.

Concurrently with the petition to amend Petitioner filed a request to be substituted in lieu of Shamrock as respondent in each of Shamrock's rate proceedings, listed in the appendix hereto, together with an agreement and undertaking to assure the refund of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Petitioner will be substituted as respondent, the proceedings will be redesignated accordingly, and the agreement and undertaking will be accepted

for filing in each proceeding except in Docket Nos. RI68–144 and RI68–316 in which proceedings changes in rate are not effective.

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

After due notice no petition to intervene, notice of intervention or protest to the granting of the petition to amend has been received.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Shamrock should be amended as hereinafter ordered.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Petitioner should be substituted in lieu of Shamrock as respondent in each of Shamrock's rate proceedings, that said proceedings should be redesignated accordingly, and that the agreement and undertaking submitted by Petitioner should be accepted for filing in certain of said proceedings.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the notices of succession to Shamrock's rate schedules submitted by Petitioner should be accepted for filing and that Shamrock's FPC gas rate schedules should be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Shamrock in the dockets listed in the appendix hereto are amended by substituting Petitioner as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Petitioner is substituted in lieu of Shamrock as certificate applicant in the proceeding pending in Docket No. CI–62–1448.

(C) The notices of succession submitted by Petitioner to the FPC gas rate schedules of Shamrock are accepted for filing to be effective as of December 19, 1967, and the FPC gas rate schedules are redesignated with the same numerical designations, all as more fully described in the appendix hereto.

(D) Petitioner is substituted in lieu of Shamrock as respondent in each of Shamrock's rate proceedings listed in the appendix hereto, and in the proceeding in Docket No. AR64–1, et al., and the proceedings are redesignated accordingly.

(E) The agreement and undertaking submitted by Petitioner in Shamrock's rate proceedings listed in the appendix hereto is accepted for filing except in the proceedings pending in Docket Nos. RI68–144 and RI68–316.

(F) Petitioner shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Petitioner in Shamrock's rate proceedings shall remain in full force and effect until discharged by the Commission.

By the Commission.

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

APPENDIX

Certificate docket	Location	Purchaser	Rate suspension (docket No.)	FPC Gas rate schedule No.	Supplement No.
G–3315	McKee Plants	Northern Natural Gas Co.	G–14077 and RI63–246.	*1	1–6
G–3307	do	do		*2	1–4
G–3313	do	do		*3	1–5
G–3308	do	Panhandle Eastern Pipe Line Co.	RI60–217 and RI60–425.	(1)	(1)
G–3316	Texas County, Okla.	Kansas–Nebraska Natural Gas Co.		5	1–3
G–3309	McKee Plants	Natural Gas Pipeline Co.		*12	1–6
G–3310	do	do		*13	1–10
G–4880	Panhandle—Hugoton	Phillips Petroleum Co.		14	1–26
G–3301	McKee Plants	Mobil Oil Corp.		*15	1–12
G–3300 G–3314	do	Panhandle Eastern Pipe Line Co.		*16	1–7
G–10111	Hansford County, Tex.	Northern Natural Gas Co.	RI62–38 and RI67–60.	17	1–3
G–10072	Roberts County, Tex.	do	RI61–553 and RI66–431.	18	1–3
G–10801	Clark and Comanche Counties, Kans.	Northern Natural Gas Co.	RI61–522 and RI66–425.	19	1–3
G–10967	Hansford County, Tex.	Natural Gas Pipeline Co.		20	
G–11006	Beaver County, Okla.	do		21	
G–12261	Hansford and Ochiltree Counties, Tex.	Northern Natural Gas Co.	RI63–42 and RI68–144.	22	1–4
G–14878	McKee Plants	do	RI63–246 and RI68–316.	*23	1–4
G–15248	Liberal Light Gas Area, Beaver County, Okla.	Panhandle Eastern Pipe Line Co.	RI64–86	24	1
G–16148	Hugoton, Sherman County, Tex.	Phillips Petroleum Co.		25	1
G–18162	Keyes, Cimarron County, Okla.	Colorado Interstate Gas Co.	RI64–409	**26	1
G–18203	Big Foot, Frio County, Tex.	Transcontinental Gas Pipe Line Corp.	RI63–423 and RI67–417.	**27	1–2
G–19720	Ochiltree County, Tex.	Northern Natural Gas Co.	RI63–421	28	1–3
CI60–766	Meade County, Kans.	Panhandle Eastern Pipe Line Co.	RI66–62	29	1–3
CI60–778	Meade and Seward Counties, Kans.	do	RI64–47 and RI65–494.	30	1–15
CI61–975	do	do		31	1–3
G–3308	McKee Plants	do	RI62–302, RI64–542 and RI66–208	*32	1–4
CI62–121	Hansford County, Tex.	Northern Natural Gas Co.	RI63–42 and RI68–144	33	1–2
CI62–367	McKee Plants (Ochiltree County, Tex., Production).	Natural Gas Pipeline Co.		*34	
G–3308	McKee Plants	Panhandle Eastern Pipe Line Co.		*35	1
CI62–1041	McKee Plants (Ochiltree and Roberts Counties, Tex., Production).	Natural Gas Pipeline Co.		*36	
CI62–1448 [2]	Ochiltree County, Tex.	El Paso Natural Gas Co.		37	1–4
CI63–428	Beaver County, Okla.	Natural Gas Pipeline Co.		38	1
CI63–429	do	do		39	1
CI63–636	do	do		40	1
CI63–1202	McKee Plants (Ochiltree County, Tex., Production).	Western Gas Service Co.		*41	
CI64–398	Beaver County, Okla.	Natural Gas Pipeline Co.		42	
CI64–622	do	Northern Natural Gas Co.		43	
CI65–1246	McKee Plants (Ochiltree County, Tex., Production).	Western Gas Service Co.	RI66–62	*44	1–3
CI67–1031	Hansford County, Tex.	Northern Natural Gas Co.		45	1
CI68–282 [3]	Sebastian County, Ark.	Arkansas Louisiana Gas Co.		**46	1
CI68–630 [4]	Hemphill County, Tex.	Panhandle Eastern Pipe Line Co.		47	1–2

*Designated (Operator).
**Designated (Operator) et al.
[1] This sale originally covered by Rate Schedule No. 4, which has been superseded by Rate Schedule No. 32 (Supplement No. 1 has been redesignated as Rate Schedule No. 35). Rate Schedule No. 4 is not being redesignated in the name of Diamond Shamrock Corp.
[2] Temporary certificate only has been issued in Docket No. CI62–1448, on July 6, 1962, as modified on Nov. 20, 1962.
[3] Permanent certificate was issued Jan. 3, 1968, in name of The Shamrock Oil & Gas Corp.
[4] Permanent certificate was issued Jan. 23, 1968, in name of The Shamrock Oil & Gas Corp.

[F.R. Doc. 68–3938; Filed, Apr. 2, 1968; 8:45 a.m.]

[Docket No. G-8536 etc.]

P. O. BURGY DRILLING & PRODUCING CO.

Findings and Order After Statutory Hearing

MARCH 26, 1968.

P. O. Burgy Drilling & Producing Company (formerly P. O. Burgy & B. S. Marshall) and other applicants listed herein; Docket No. G-8536 etc.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successors co-respondents, redesignating proceedings, accepting agreements and undertakings for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Payne Producing Co. (Operator) et al., Applicant in Docket No. CI60-130, and Payne Producing Co., Applicant in Docket No. CI60-374, proposes to continue sales of natural gas heretofore authorized in said dockets to be made pursuant to LAB Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 3 and LAB Oil Co. FPC Gas Rate Schedule No. 4, respectively. Said rate schedules will be redesignated as those of Applicant. The presently effective rates under said rate schedules are in effect subject to refund in Docket Nos. RI65-266 and RI62-52, respectively. Applicant has submitted agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made a co-respondent in Docket Nos. RI62-52 and RI65-266; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

American Petrofina Company of Texas (Operator) et al., Applicant in Docket No. CI60-467, proposes to continue as operator in lieu of John L. Harlan, Trustee (Operator) et al., sales of natural gas heretofore authorized in said docket to be made pursuant to Harlan's FPC Gas Rate Schedule No. 1, including sales from the interests assigned to Applicant by Graridge Corp., a coowner. Harlan's rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64-426. Applicant has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI64-426; the proceeding will be redesignated accordingly; and the agreement and undertaking will be accepted for filing.

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

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

At a hearing held on March 14, 1968, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-8536, G-14569, CI60-130, CI60-374, CI60-467, CI62-521, CI66-306, CI67-1326, and CI67-1683 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Payne Producing Co. and Payne Producing Co. (Operator) et al., should be made co-respondent in the proceedings pending in Docket Nos. RI62-52 and RI65-266, respectively, that said proceedings should be redesignated accordingly, and that the agreements and undertakings submitted by Payne in said proceedings should be accepted for filing.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that American Petrofina Company of Texas (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI64-426, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted in said proceeding by American Petrofina Company of Texas (Operator) et al., should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable

and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) (3) of the Commission's statement of General policy No. 61–1, as amended, shall be filed prior to the applicable date as indicated by footnote 14 in the attached tabulation.

(E) The acceptance for filing of the related rate schedule in Docket No. CI68–881 is contingent upon Applicant's filing of a billing statement for the first month's service as required by the regulations under the Natural Gas Act.

(F) The certificate heretofore issued in Docket No. G–8536 is amended to reflect the change in name from P. O. Burgy & B. S. Marshall to P. O. Burgy Drilling & Producing Co. as indicated in the tabulation herein.

(G) The certificate heretofore issued in Docket No. G–14569 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI68–253.

(H) The certificate heretofore issued in Docket No. CI62–521 is amended by deleting therefrom authorization to sell natural gas pursuant to the rate schedule supplements as indicated in the tabulation herein, and Applicant shall not be relieved of any refund obligation incurred under Docket No. RI67–295 insofar as it pertains to the acreage being released.

(I) The certificate heretofore issued to Titan Petroleum Corp. in Docket No. CI67–1326 is amended by substituting Jake L. Hamon (Operator) et al., in lieu of Titan Petroleum Corp. (Operator) et al., as operator and certificate holder and by deleting therefrom authorization to sell natural gas from the Fannie Delano unit assigned to Seneca Oil Co. (Operator) et al., Applicant in Docket No. CI68–796.

(J) The certificate heretofore issued in Docket No. CI67–1683 is amended by adding thereto authorization to sell natural gas from the additional acreage and to include the interest of the co-owners, and the related rate schedule is redesignated as Edwin G. Bradley and George R. Shaw, doing business as Bradley-Shaw (Operator) et al.

(K) The certificate heretofore issued in Docket No. CI60–467 is amended by substituting American Petrofina Company of Texas (Operator) et al. as operator and certificate holder in lieu of John L. Harlan, Trustee (Operator) et al.

(L) The certificates heretofore issued in Docket Nos. CI60–130, CI60–374, and CI66–306 are amended by substituting the respective successors in interest as certificate holders as indicated in the tabulation herein.

(M) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(N) The certificates heretofore issued in Docket Nos. G–5409, G–12246, G–20100, CI62–210, and CI66–981 are terminated.

(O) Payne Producing Co. and Payne Producing Co. (Operator) et al., is made co-respondent in the proceedings pending in Docket Nos. RI62–52 and RI65–266, respectively, said proceedings are redesignated accordingly,[1] and the agreements and undertakings submitted by Payne in said proceedings are accepted for filing.

(P) Payne Producing Co. and Payne Producing Co. (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreements and undertakings filed by Payne in Docket Nos. RI62–52 and RI65–266 shall remain in full force and effect until discharged by the Commission.

(Q) American Petrofina Company of Texas (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI64–426, said proceeding is redesignated accordingly,[2] and the agreement and undertaking submitted in said proceeding by American Petrofina Company of Texas (Operator) et al., is accepted for filing.

(R) American Petrofina Company of Texas (Operator) et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by it in Docket No. RI64–426 shall remain in full force and effect until discharged by the Commission.

(S) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated by the tabulation herein.

By the Commission.

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

[1] Docket No. RI62–52, LAB Oil Company and Payne Producing Company; Docket No. RI65–266, LAB Oil Company (Operator) et al., and Payne Producing Company (Operator) et al.

[2] Graridge Corporation (Operator) et al., John L. Harlan, Trustee (Operator) et al., and American Petrofina Company of Texas (Operator) et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–8536 12–4–67 [1]	P. O. Burgy Drilling & Producing Co. (formerly P. O. Burgy & B. S. Marshall).	Otto Nelle Oil & Gas Co., acreage in Ritchie County, W. Va.	P. O. Burgy & B. S. Marshall, FPC GRS No. 1.	4	
			Notice of succession 11–29–67.[3]		
			Effective date: 11–29–67.		
CI60–130 E 12–11–67	Payne Producing Co. (Operator) et al. (successor to LAB Oil Co. (Operator) et al.).	Texas San Juan Oil Corp., Miller and Fox Fields, Duval County, Tex.	LAB Oil Co. (Operator) et al., FPC GRS No. 3.	3	
			Supplement No. 1	3	1
			Notice of succession 12–1–67.		
			Assignment 11–1–67 [3]	3	2
			Effective date: 11–1–67		
CI60–374 E 12–11–67	Payne Producing Co. (successor to LAB Oil Co.).	Coastal States Gas Producing Co., Wade City Field, Jim Wells County, Tex.	LAB Oil Co., FPC GRS No. 4.	4	
			Supplement No. 1	4	1
			Notice of succession 12–1–67.		
			Assignment 11–1–67 [3]	4	2
			Effective date: 11–1–67		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI60-467 E 1-10-68 [4] as amended 1-19-68	American Petrofina Co. of Texas (Operator) et al. (successor to John L. Harlan, Trustee (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Southeast Tomball Field, Harris County, Tex.	John L. Harlan, Trustee (Operator) et al., FPC GRS No. 1.	71	
			Supplement No. 1	71	1
			Notice of succession 12-6-67.		
			Assignment 1-1-66 [5]	71	2
			Effective date: 10-1-67		
CI62-521 D 12-5-67	J. C. Trahan, Drilling Contractor, Inc. (partial abandonment).	Texas Gas Transmission Corp., West Monroe Field, Union and Ouachita Parishes, La.	Letter agreement 11-20-67.[6]	18	4
CI66-806 E 12-11-67	Mark IV Oil & Gas Producers, Inc. (successor to Ezra R. Gawthrop et al., d.b.a. Gawthrop Oil & Gas Producers, Inc.).	Pennzoil Co., McClellan District, Doddridge County, W. Va.	Letter agreement 12-19-67.[6 7]	[8] 18	5
			Ezra R. Gawthrop et al., d.b.a. Gawthrop Oil & Gas Producers, Inc., FPC GRS No. 1.	2	
			Notice of succession 12-5-67.		
			Assignment 10-18-67 [9]	2	1
			Assignment 10-31-67 [10]	2	2
			Effective date: 10-31-67		
CI67-1326 E 7-24-67 [11]	Jake L. Hamon (Operator) [12] et al. (successor to Titan Petroleum Corp. (Operator) et al.).	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Titan Petroleum Corp. (Operator) et al., FPC GRS No. 1.	53	
			Notice of succession 7-5-67.[13]		
			Effective date: 6-16-67		
CI67-1683 C 12-28-67 [14]	Edwin G. Bradley and George R. Shaw d.b.a. Bradley-Shaw (Operator) et al.	Plateau Natural Gas Co., Hugoton Gas Field, Kearny County, Kans.	Amendatory agreement 10-18-67.[15 16]	1	3
CI68-253 (G-14569) F 9-5-67	Amerada Petroleum Corp. (successor to Sohio Petroleum Co.).	Texas Gas Transmission Corp., Ramos Field, Assumption, St. Mary, and Terrebonne Parishes, La.	Contract 11-22-57 [17]	145	
			Letter agreement 8-18-58.	145	1
			Amendment 11-29-61 [18]	145	2
			Assignment 4-28-65 [19]	145	3
			Assignment 4-28-65 [19]	145	4
			Effective date: 2-1-65		
CI68-796 (CI67-1326) F 12-18-67 [20]	Seneca Oil Co.[12] (Operator) et al. (successor to Titan Petroleum Corp. (Operator) et al.).	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Titan Petroleum Corp. (Operator) et al., FPC GRS No. 1.	5	
			Notice of succession 12-8-67.[21]		
			Effective date: 6-16-67		
CI68-881 A 1-18-68	Witco Chemical Co., Inc.	Pennsylvania Gas Co., Sheffield Township, Warren County, Pa.	Contract 1-12-67 [16]	3	
CI68-884 A 1-18-68 [14]	C. F. Raymond et al	El Paso Natural Gas Co., Ignacio (Dakota) Field, La Plata County, Colo.	Contract 12-26-67 [16]	7	
CI68-885 (G-5409) B 1-18-68	Ed Morris, agent for Ed Morris et al.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation 1-17-68.[6 7]	2	9
CI68-886 (CI62-210) B 1-18-68	Charles F. Koontz Oil & Gas Co.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Notice of cancellation 1-17-68.[6 7]	1	1
CI68-888 (G-20100) B 1-18-68	Charles E. Young (Operator) et al.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Notice of cancellation 1-17-68.[6 7]	1	6
CI68-890 (G-12246) B 1-19-68	Cities Service Oil Co.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	Notice of cancellation 1-17-68.[22]	101	5
CI68-891 A 1-19-68 [14]	Columbian Fuel Corp.	Consolidated Gas Supply Corp., Sandy River and Big Creek Districts, McDowell County, W. Va.	Effective date: 7-1-67		
			Contract 7-20-67 [16 23]	88	
CI68-895 A 1-22-68 [14]	L. W. Roche d.b.a. Woodruff Gas Co.	United Fuel Gas Co., Union District, Kanawha County, W. Va.	Contract 1-2-68 [16]	5	
CI68-896 (CI66-981) B 1-22-68	Southern Minerals Corp.	Texas Eastern Transmission Corp., Gasoline Plant, Nueces County, Tex.	Notice of cancellation 1-18-68. [7 24]	5	2
CI68-899 A 1-22-68 [14]	Philcon Development Co.	Cities Service Gas Co., Knowles Gas Area, Beaver County, Okla.	Ratified 11-29-67	1	
			Contract 9-3-63 [16 25]	1	1
CI68-900 A 1-22-68 [14]	Douglas Resources Corp. et al.	do	Ratified 11-29-67	1	
			Contract 9-3-63 [16 25]	1	1
CI68-901 A 1-22-68 [14]	Austin Gas Purchasing, Inc.	Panhandle Eastern Pipe Line Co., Stark Northeast Field, Pratt County, Kans.	Contract 12-15-67 [16]	1	
CI68-902 A 1-22-68 [14]	William V. Montin et al.	Arkansas Louisiana Gas Co., O'Keene Field, Blaine County, Okla.	Contract 5-3-67 [26]	3	
			Contract 4-11-67 [27]	3	1
			Contract 5-3-67 [28]	3	2
CI68-905 A 1-24-68 [14]	John Franks (Operator) et al.	Arkansas Louisiana Gas Co., Vixen Field, Caldwell and Ouachita Parishes, La.	Contract 1-16-68 [16]	19	

[1] Amendment to the certificate to reflect a change in name.
[2] There has been no change in partnership, this filing was made to reflect change in name only.
[3] Assigns acreage from LAB Oil Co. to Payne Producing Co.
[4] Amendment to the certificate filed to reflect change of Operator and to reflect the succession by Applicant of Graridge Corporation's (a coowner) interest.
[5] Assigns acreage from Graridge Corp. to American Petrofina Co. of Texas.
[6] Source of gas depleted.
[7] Effective date: Date of this order.
[8] Rate of 17.75 cents effective subject to refund in Docket No. RI67-295.
[9] From Gawthrop Oil & Gas Producers, Inc., to Clarence M. Rogers.
[10] From Clarence M. Rogers to Mark IV Oil & Gas Producers, Inc.
[11] Application by Jake L. Hamon to be substituted for Titan Petroleum Corp. as operator of the Green-Smith Unit.
[12] Seneca, Hamon and others are signatory coowners whose interests are covered under Titan's FPC GRS No. 1. There is no change in interest under Titan's rate schedule, just a change in operators. Seneca and Hamon succeeding Titan as operator.
[13] Letter advising that Jake L. Hamon is operator of the Green-Smith Unit in lieu of Titan Petroleum Corp.
[14] Jan. 1, 1970, moratorium pursuant to the Commission's Statement of General Policy No. 61-1, as amended.
[15] Adds the acreage and interest of Albert A. Thornbrough and Virginia Dale Thornbrough to the basic contract.
[16] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[17] Basic contract between Sohio Petroleum Co. et al., and Texas Gas Transmission Corp.; currently on file as Sohio Petroleum Co. et al., FPC GRS No. 43.
[18] Redefines acreage dedicated to contract.
[19] Conveys assignor's interest in certain acreage to Amerada and Austral Oil Co., Inc. Amerada is not filing to cover Austral's interest.
[20] Application by Seneca Oil Co. to be substituted for Titan Petroleum Corp. as operator of the Fannie Delano Unit.
[21] Motion requesting that Titan's certificate in Docket No. CI67-1326 be amended to reflect Seneca as the operator of the Fannie Delano Unit in lieu of Titan.
[22] Subject acreage reverted to the operator, J. M. Huber Corp., effective as of July 1, 1967. Huber has authorization in Docket No. G-12278 to sell gas from the subject acreage to Panhandle Eastern Pipe Line Co. under Huber's FPC GRS No. 27.
[23] Only that gas produced from formations down to 100 feet below the base of The Berea Sandstone.
[24] Parties mutually agree to cancel 3-year contract dated Sept. 14, 1964; Applicant states that gas is no longer available for sale.
[25] Also on file as Cleary Petroleum, Inc. et al. FPC GRS No. 8.
[26] Ratification of Cleary contract dated Apr. 11, 1967, by William V. Montin.
[27] Between buyer and Cleary Petroleum, Inc.; on file as Cleary Petroleum, Inc., FPC GRS No. 23.
[28] Ratification of Cleary contract dated Apr. 11, 1967, by Gordon Street, Inc.

[F.R. Doc. 68-3939; Filed, Apr. 2, 1968; 8:45 a.m.]

[Docket No. G–9314 etc.]

AMERADA PETROLEUM CORP. ET AL.

Findings and Order After Statutory Hearing; Correction

MARCH 20, 1968.

Amerada Petroleum Corp. and other Applicants listed herein, Docket Nos. G–9314 et al., Paul F. Starr, agent for Riddle-Cunningham, Docket No. CI68–637.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating rate proceeding, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, requiring filing of surety bond, and accepting related rate schedules and supplements for filing, issued January 23, 1968, and published in the FEDERAL REGISTER February 1, 1968 (F.R. Doc. 68–1131), F.R. 33–2466, Docket Nos. G–9314 et al., 5th column: Change FPC Gas Rate Schedule "No. 27" to read FPC Gas Rate Schedule "No. 28" relating to Docket No. CI68–637.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–3954; Filed, Apr. 2, 1968; 8:46 a.m.]

[Docket No. G–6352 etc.]

CONTINENTAL OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

MARCH 20, 1968.

Continental Oil Co. and other Applicants listed herein, Docket Nos. G–6352 et al., Skelly Oil Co., Docket No. CI67–30.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, reinstating certificate, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successor co-respondent, redesignating proceedings, requiring filing of agreements and undertakings, accepting offer of settlement and accepting related rate schedules and supplements for filing, issued August 30, 1966, and published in the FEDERAL REGISTER, September 8, 1966 (F.R. Doc. 66–9749), F.R. 31–11779, Docket Nos. G–6352 et al., 5th column: Change FPC Gas Rate Schedule "No. 233" to read FPC Gas Rate Schedule "No. 223" relating to Docket No. CI67–30.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–3955; Filed, Apr. 2, 1968; 8:46 a.m.]

[Docket No. G–7480 etc.]

MURPHY OIL COMPANY OF OKLAHOMA, INC.

Notice of Petition To Amend

MARCH 27, 1968.

Take notice that on March 11, 1968, Murphy Oil Company of Oklahoma, Inc. (Petitioner), Post Office Box 446, Dallas, Tex. 75221, filed in Docket Nos. G–7480 and CI62–1298 a petition to amend the certificates issued in said dockets by requesting that the name of the certificate holder be changed from Murphy Oil Company of Oklahoma, Inc. (Murphy-Oklahoma) to Murphy Oil Company of Oklahoma, Inc. (Murphy-Delaware). The petition further requests that a corresponding change be made in the name of the party in the proceedings in Docket Nos. RI65–433 and AR67–1. The proposal is more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that Murphy-Oklahoma, an Oklahoma corporation, was merged with its parent company, Murphy Oil Company of Pennsylvania, Inc. (Murphy-Delaware), a Delaware corporation, as of January 1, 1968. Simultaneously, the parent company changed its name to Murphy Oil Company of Oklahoma, Inc., remaining a Delaware corporation, and is the present Murphy-Delaware.

Accordingly, Petitioner requests that the certificates in Docket Nos. G–7480 and CI62–1298 and the proceedings in Docket Nos. RI65–433 and AR67–1 be amended to make Murphy-Delaware the certificate holder and the party to the pending rate proceedings, respectively, in lieu of Murphy-Oklahoma.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 17, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–3956; Filed, Apr. 2, 1968; 8:46 a.m.]

[Docket No. CP68–126]

EASTERN SHORE NATURAL GAS CO.

Notice of Petition To Amend

MARCH 27, 1968.

Take notice that on March 18, 1968, Eastern Shore Natural Gas Co. (Petitioner), 114 East Main Street, Salisbury, Md. 21801, filed in Docket No. CP68–126 a petition to amend the order of the Commission issued in said docket on December 27, 1967, seeking authorization to provide service to Elkton Gas Service, Division of Pennsylvania & Southern Gas Co. (Elkton) under Petitioner's I–1 rate schedule.

By the said order, Petitioner was authorized to sell natural gas to Cambridge Gas Co. and the Citizens Gas, Dover Gas Light and Sussex Gas Divisions of Chesapeake Utilities Corp. under under Petitioner's E–1 rate schedule.

The petition states that the proposed new service does not require any new facilities.

The petitioner further states that the proposed amendment will permit the sale to Elkton of interruptible gas of a higher priority than currently available under Petitioner's E–I rate schedule.

The petition states that this proposed change will not affect Petitioner's other customers.

The estimated first year deliveries of natural gas to Elkton are 14,850 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 24, 1968.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68–3935; Filed, Apr. 2, 1968; 8:45 a.m.]

[Docket No. CP68–255]

LAKE SHORE PIPE LINE CO.

Notice of Application

MARCH 27, 1968.

Take notice that on March 19, 1968, Lake Shore Pipe Line Co. (Applicant), 1717 East Ninth Street, Cleveland, Ohio 44114, filed in Docket No. CP68–255 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct, install and operate a new delivery point with The East Ohio Gas Co. (East Ohio) near the village of Pierpont in Ashtabula County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct, install and operate one block valve, two side taps, and metering facilities on Applicant's 10-inch transmission pipeline near the village of Pierpont. The meter is to be located in a building to be constructed and owned by East Ohio to house its regulating equipment.

The application states that the purpose of the connection is to enable East Ohio to serve consumers presently without natural gas service. The proposed sale of gas is to be out of allocations previously authorized by the Commission.

The estimated annual and peak day requirements are 16,040 Mcf and 187 Mcf, respectively.

The estimated cost is $6,500 to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission

on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-3936; Filed, Apr. 2, 1968; 8:45 a.m.]

[Docket No. E-7172]

DEPARTMENT OF THE INTERIOR SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

MARCH 27, 1968.

Notice is hereby given that the U.S. Department of the Interior on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887) a request for approval of certain rates and charges set forth in the agreement as amended for the sale of electric power and energy to Tex-La Electric Cooperative, Inc. (Tex-La) (Contract No. 14-02-001-864).

At present SWPA sells power and energy to Tex-La under standard Rate Schedule F-1 which has a demand charge of $160 per kw of monthly billing demand and energy charges of 2 mills per kwh for the first 150 kwh per kw of billing demand, 3 mills per kwh for the next 290 kwh per kw of billing demand, and 5 mills per kwh for energy in excess of 440 kwh per kw of billing demand.

The amended contract rate is provided in section 2 of the Tex-La contract. The pricing and structure remain the same as SWPA's standard Rate Schedule F-1. However, this amended contract rate is applied to a monthly billing demand, defined in section 3 of the contract, which provides for ratchets to power purchased by Tex-La during successive 12-month periods of 90 percent ending December 1968, and 75 percent thereafter.

It it also noted that SWPA sales to Texas Power and Light Co. would be made pursuant to standard Rate Schedules P-2 and EE in lieu of the special rates and charges now contained in Contract No. Ispa-177.

It is requested that confirmation and approval of the above rates and charges be granted to July 1, 1972.

Any person desiring to be heard or to make any protest with reference to said application should, on or before April 25, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 68-3937; Filed, Apr. 2, 1968; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SOCIALIST REPUBLIC OF ROMANIA

Entry or Withdrawal From Warehouse for Consumption

MARCH 28, 1968.

On January 9, 1968, the U.S. Government requested the Government of the Socialist Republic of Romania to enter into consultations concerning exports to the United States of cotton textile products in Category 49, produced or manufactured in Romania. In that request, the U.S. Government indicated a specific level at which it considered that exports in this category from Romania should be restrained for the 12-month period, beginning January 9, 1968, and extending through January 8, 1969. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3, and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request. This restraint does not apply to cotton textile products in Category 49 produced or manufactured in Romania and exported to the United States prior to the beginning of the applicable 12-month period designated above.

There is published below a letter of March 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 49, produced or manufactured in Romania which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 9, 1968, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C. 20230
MARCH 27, 1968.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible after March 8, 1968, and for the 12-month period beginning January 9, 1968, and extending through January 8, 1969, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 49, produced or manufactured in Romania, in excess of a level of restraint for the period of 10,000 dozen.[1]

In carrying out this directive, entries of cotton textile products in Category 49, produced or manufactured in the Socialist Republic of Romania and which have been exported to the United States from Romania prior to January 9, 1968, shall not be subject to this directive.

A detailed description of Category 49, in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from the Socialist Republic of Romania have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

C. R. SMITH,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 68-4071; Filed, Apr. 2, 1968; 10:24 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 492]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 29, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

[1] This level has not been adjusted to reflect any entries made on or after Jan. 9, 1968.

MOTOR CARRIERS OF PROPERTY

No. MC 2974 (Deviation No. 1), O.I.M. TRANSIT CORPORATION, 601 Commerce Drive, Fort Wayne, Ind. 46808, filed March 21, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) (a) From Chicago, Ill., over Interstate 94 to Kalamazoo, Mich., and (b) from Chicago, Ill., over Interstate Highway 90 to junction Indiana Highway 39, thence over Indiana Highway 39 to junction Interstate Highway 94, at the Indiana-Michigan State line, thence over Interstate Highway 94 to Kalamazoo, Mich., (2) from Fort Wayne, Ind., over Interstate Highway 69 to junction Interstate Highway 94, near Marshall, Mich., thence over Interstate Highway 94 to Kalamazoo, Mich. (operating over U.S. Highway 27 between Tekonsha, Mich., and Marshall, Mich., while Interstate Highway 94 is under construction between these points), with the following access routes (a) U.S. Highway 6 between Interstate Highway 69 and Kendallville, Ind., (b) U.S. Highway 20 between Interstate Highway 69 and LaGrange, Ind., (c) U.S. Highway 12 between Interstate Highway 69 and Coldwater, Mich., and (d) Interstate Highway 90 between Interstate Highway 69 and Indiana Highway 9, and (3) from Chicago, Ill., over Interstate Highway 90 to junction Indiana Highway 9, using such-additional highways as access routes in traveling by the shortest practical route between authorized regular routes and Interstate Highway 90, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to the Indiana-Michigan State line, thence over Michigan Highway 66 to junction U.S. Highway 12, at Sturgis, Mich., thence over U.S. Highway 12 to junction U.S. Highway 131, thence over U.S. Highway 131 to Kalamazoo, Mich., (2) from Fort Wayne, Ind., over Indiana Highway 3 to Kendallville, Ind., thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to the Indiana-Michigan State line, thence over the route described in (1) above to Kalamazoo, Mich., and (3) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Interstate Highway 90, 2 miles north of Howe, Ind., and return over the same routes.

No. MC 4963 (Deviation No. 27), JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. 19475, filed March 19, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Springfield, Ill., over Illinois Highway 125 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 136, (2) from junction Illinois Highway 18 and U.S. Highway 51 over U.S. Highway 51 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois Highway 117, thence over Illinois Highway 117 to junction Interstate Highway 74, thence over Interstate Highway 74 to Morton, Ill., (3) from junction U.S. Highways 136 and 67 over U.S. Highway 67 to Alton, Ill., thence over Alternate U.S. Highway 67 (Illinois Highway 3) to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Riverview Drive, thence over Riverview Drive and city streets to St. Louis, Mo., and (4) from Chicago, Ill., over Interstate Highway 57 to junction Illinois Highway 17, thence over Illinois Highway 17 to Dwight, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Springfield, Ill., over Illinois Highway 125 to junction Illinois Highway 97, thence over Illinois Highway 97 to Havana, Ill., thence over U.S. Highway 136 to junction U.S. Highway 67, (2) from junction Illinois Highway 18 and U.S. Highway 51 over Illinois Highway 18 to junction Illinois Highway 89, thence over Illinois Highway 89 to junction Illinois Highway 116, thence over Illinois Highway 116 to junction U.S. Highway 150, thence over U.S. Highway 150 to Morton, Ill., (3) from junction U.S. Highways 136 and 67 over U.S. Highway 136 to junction Illinois Highway 97, thence over Illinois Highway 97 to Springfield, Ill., thence over U.S. Highway 66 to St. Louis, Mo., and (4) from Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), thence over Illinois Highway 53 to junction U.S. Highway 66, thence over U.S. Highway 66 to Dwight, Ill., and return over the same routes.

No. MC 13123 (Deviation No. 14), WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223, filed March 22, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation route as follows: (1) From Cleveland, Ohio, over Interstate Highway 77 to Akron, Ohio, thence over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to New York, N.Y., (2) from Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to New York, N.Y., (3) from Youngstown, Ohio, over Interstate Highway 80 to New York, N.Y., (4) from Cleveland, Ohio, over Interstate Highway 77 to Akron, Ohio, thence over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn., (5) from Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn., (6) from Youngstown, Ohio, over Interstate Highway 80 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn.

(7) From Cincinnati, Ohio, over Interstate Highway 71 to Louisville, Ky., (8) from Lexington, Ky., over the Central Kentucky Parkway to Elizabethtown, Ky., (9) from Bowling Green, Ky., over Interstate Highway 65 to junction U.S. Highway 41, near Goodlettsville, Tenn., thence over U.S. Highway 41 to Hopkinsville, Ky. (also from Bowling Green, Ky., over Interstate Highway 65 to junction Alternate U.S. Highway 41 at Nashville, Tenn., thence over Alternate U.S. Highway 41 to Hopkinsville), (10) from Delphos, Ohio, over U.S. Highway 30S to junction Interstate Highway 75 (near Lima, Ohio), thence over Interstate Highway 75 to junction U.S. Highway 36, near Piqua, Ohio, thence over U.S. Highway 36 to Urbana, Ohio, (11) from Harrisburg, Pa., over Interstate Highway 81 to junction Interstate Highway 84, thence over Interstate Highway 84 to Hartford, Conn., (12) from Baltimore, Md., over Interstate Highway 70N to junction Interstate Highway 70, thence over Interstate Highway 70 to Breezewood, Pa., (13) from Washington, D.C., over Interstate Highway 70S to junction Interstate Highway 70, thence over Interstate Highway 70 to Breezewood, Pa., (14) from Philadelphia, Pa., over the Pennsylvania Turnpike Northeast Extension via Allentown, Pa., to junction Interstate Highway 81, thence over Interstate Highway 81 via Binghampton, N.Y., to junction Interstate Highway 90, thence over Interstate Highway 90 to Buffalo, N.Y., and (5) from Harrisburg, Pa., over Interstate Highway 81 to junction Interstate Highway 66 and U.S. Highway 11 at or near Strasburg, Va., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows:

(1) From Cleveland, Ohio, over Ohio Highway 14 to Deerfield, Ohio, thence over Ohio Highway 14A to Salem, Ohio, (2) from Salem, Ohio, over Ohio Highway 14 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 51 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., (3) from Cleveland, Ohio, over Ohio Highway 8 to Akron, Ohio, (4) from Cleveland, Ohio, over U.S. Highway 422 to Youngstown, Ohio, (5) from Akron, Ohio, over Ohio Highway 18 to Youngstown, Ohio, (6) from Pittsburgh, Pa., over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New York, N.Y., (7) from Cleveland, Ohio, over Ohio Highway 84 to Ashtabula, Ohio, thence over U.S. Highway 20 to junction

New York Highway 17, thence over New York Highway 17 to junction New York Highway 17K, thence over New York Highway 17K to junction U.S. Highway 9W, thence over U.S. Highway 9W to New York, N.Y., (8) from junction U.S. Highways 22 and 220 over U.S. Highway 220 to Williamsport, Pa., thence over U.S. Highway 15 to Harrisburg, Pa., (9) from Williamsport, Pa., over U.S. Highway 15 to Erwins, N.Y., (10) from New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 5, thence over U.S. Highway 5 to Hartford, Conn., (11) from Cincinnati, Ohio, over U.S. Highway 42 to Louisville, Ky., (12) from Lexington, Ky., over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 31W to Elizabethtown, Ky., (13) from Bowling Green, over U.S. Highway 68 to Hopkinsville, Ky., (14) from Delphos, Ohio, over U.S. Highway 30N to junction U.S. Highway 42, thence over U.S. Highway 42 to junction U.S. Highway 36, thence over U.S. Highway 36 to Urbana, Ohio, (15) from Harrisburg, Pa., over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to Elizabeth, N.J., thence over U.S. Highway 1 to junction U.S. Highway 5, thence over U.S. Highway 5 to Hartford, Conn., (16) from Baltimore, Md., over U.S. Highway 1 to Washington, D.C.

(17) From Baltimore, Md., over U.S. Highway 40 to junction U.S. Highway 522 at Hancock, Md., thence over U.S. Highway 522 to junction Pennsylvania Highway 126, thence over Pennsylvania Highway 126 to Breezewood, Pa., (18) from Philadelphia, Pa., over U.S. Highway 1 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, N.Y., thence over U.S. Highway 20 to Buffalo, N.Y., (19) from junction U.S. Highway 9W and New York Highway 17K over New York Highway 17K to junction New York Highway 17, thence over New York Highway 17 via Binghamton, N.Y., to junction U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to Buffalo, N.Y., (20) from Binghamton, N.Y., over New York Highway 7 to Albany, N.Y., (21) from Philadelphia, Pa., over U.S. Highway 422 to Harrisburg, Pa., thence over U.S. Highway 22 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction New York Highway 17, and (22) from Harrisburg, Pa., over U.S. Highway 11 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction Pennsylvania Highway 126, thence over Pennsylvania Highway 126 to junction U.S. Highway 522, thence over U.S. Highway 522 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 11, thence over U.S. Highway 11 to Strasburg, Va., and return over the same routes.

No. MC 26771 (Deviation No. 2), NESTOR BROS., INC., 6 Loder Avenue, Endicott, N.Y. 13760, filed March 19, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Syracuse, N.Y., over Interstate Highway 81 to Cortland, N.Y., (2) from Cortland, N.Y., over Interstate Highway 81 to Binghamton, N.Y., (3) from Binghamton, N.Y., over Interstate Highway 81 to Scranton, Pa., (4) from Scranton, Pa., over Interstate Highway 81E to junction Interstate Highway 80, thence over Interstate Highway 80 to Columbia, N.J., thence over access road across the Delaware River to Portland, Pa., (5) from Portland, Pa., over access road across the Delaware River to junction Interstate Highway 80, thence over Interstate Highway 80 to Netcong, N.J., and (6) from Netcong, N.J., over Interstate Highway 80 to New York, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Syracuse, N.Y., over U.S. Highway 11 to Cortland, N.Y., (2) from Cortland, N.Y., over New York Highway 13 to Elmira, N.Y., thence over New York Highway 17 to Binghamton, N.Y., (3) from Binghamton, N.Y., over U.S. Highway 11 to Scranton, Pa., (4) Scranton, Pa., over U.S. Highway 611 to Portland, Pa., (5) from Portland, Pa., across the Delaware River to junction U.S. Highway 46, thence over U.S. Highway 46 to Netcong, N.J., and (6) from Netcong, N.J., over U.S. Highway 46 to Kenvil, N.J., thence over New Jersey Highway 10 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

No. MC 59120 (Deviation No. 10), EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, filed March 18, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pittsburgh, Pa., over Pennsylvania Highway 51 to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 50, thence over U.S. Highway 50 to Clarksburg, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pittsburgh, Pa., over U.S. Highway 19 to Clarksburg, W. Va., and return over the same route.

No. MC 59680 (Deviation No. 58), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed March 21, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and South Bend, Ind., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 20 to South Bend, Ind., and return over the same route.

No. MC 59680 (Deviation No. 59), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 85222, filed March 21, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 (the Indiana Toll Road) to Exit No. 11, thence over Indiana Highway 9 (an access road) to the Indiana-Michigan State line, thence over Michigan Highway 66 (an access road) to Sturgis, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 12 to junction unnumbered highway (formerly U.S. Highway 12), at or near New Buffalo, Mich., thence over U.S. Highway 12 to Sturgis, Mich., and return over the same route.

No. MC 72444 (Deviation No. 20), AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio 44306, filed March 18, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Syracuse, N.Y., over Interstate Highway 81 to junction New York Highway 31, thence over New York Highway 31 to junction New York Highway 365, thence over New York Highway 365 to junction New York Highway 46, thence over New York Highway 46 to junction New York Highway 5, south of Oneida, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Syracuse, N.Y., over New York Highway 5 to junction New York Highway 46, south of Oneida, N.Y., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 439), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed March 21, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deveation route as follows: From Philadelphia, Pa., over the Walt Whitman Bridge to junction Interstate Highway 76 (also known as the North-South Freeway), thence over Interstate Highway 76 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction New Jersey Highway 168 (Black Horse Pike) thence over New Jersey Highway 168 (Black Horse Pike) via the Woodbury-South Camden Interchange to the New Jersey Turnpike, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Philadelphia, Pa., over

city streets and the Ben Franklin Bridge to Camden, N.J., thence over New Jersey Highway 38 to junction New Jersey Highway 73 (formerly New Jersey Highway S41), thence over New Jersey Highway 73 via Camden-Philadelphia Interchange to the New Jersey Turnpike, and (2) from Philadelphia, Pa., to Camden, N.J., as specified in (1) above, thence over New Jersey Highway 168 (Black Horse Pike) via Woodbury-South Camden Interchange to the New Jersey Turnpike, and return over the same routes.

No. MC 1515 (Deviation No. 440) (Cancels Deviation No. 434), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed March 22, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Toledo, Ohio over Interstate Highway 75 to junction Interstate Highway 475, thence over Interstate Highway 475 to junction U.S. Highway 24, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction Interstate Highway 475 (Ohio Highway 110) and U.S. Highway 24 at a point approximately one-half mile north of Grand Rapids, Ohio, over U.S. Highway 24 to Toledo, Ohio, and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-3960; Filed, Apr. 2, 1968; 8:47 a.m.]

[Notice 1166]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 29, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 1693 (Sub-No. 3 (Republication), filed October 2, 1967, published FEDERAL REGISTER issue October 19, 1967, and republished this issue. Applicant: P. J. FLYNN, INC., Jacobus Avenue, South Kearny, N.J. 07032. Applicant's representative: Robert J. Lyon (same address as applicant). By application filed October 2, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of talc, in one grade (ground or pulverized), in bulk, in tank vehicles, with a special lining and able to be hermetically sealed to prevent contamination, from South Kearny and South Plainfield, N.J., to Bridgeport, Clinton, Norwalk, and Stamford, Conn., and to Port Jervis, N.Y., under contract with Whittaker, Clark & Daniels, Inc., New York, N.Y. An order of the Commission, Operating Rights Board dated February 26, 1968, and served March 6, 1968, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *talc*, in bulk, in tank vehicles from South Kearny and South Plainfield, N.J., to Bridgeport, Clinton, Norwalk, and Stamford, Conn., and to Port Jervis, N.Y., under a continuing contract with Whittaker, Clark & Daniels, Inc., New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 5470 (Sub-No. 25) (Republication), filed May 25, 1967, published FEDERAL REGISTER issues of June 15, 1967, September 28, 1967, and October 26, 1967, and republished this issue. Applicant: ERSKINE & SONS, INC., Rural Delivery No. 5, Box 146, Mercer, Pa. 16137. Applicant's represenative: Theodore Polydoroff, 1329 E Street NW., Washington, D.C. 20004. In the above-entitled proceeding an order of the Commission, Operating Rights Board, dated March 21, 1968, and served March 27, 1968, finds that a certificate of public convenience and necessity be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle over irregular routes, of *scrap metals*, in dump vehicle, between Niagara Falls, N.Y., on the one hand, and, on the other, points in Pennsylvania (except Lewistown, Pa., and points in Granville, Derry, and Decatur Townships, in Mifflin County), West Virginia, Ohio, Kentucky, Indiana, Illinois, Michigan, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), Maryland, Delaware, and Virginia, restricted (1) against service from Painesville, Ohio, and Baltimore, Md., to Niagara Falls, N.Y.; and (2) against the transportation of traffic originating at or destined to points in Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 29647 (Sub-No. 41) (Republication), filed October 20, 1967, published FEDERAL REGISTER issue of November 9, 1967, and republished this issue. Applicant: CHARLTON BROS. TRANSPORTATION COMPANY, INC., Box 2097, 552 Jefferson Street, Hagerstown, Md. 21740. Applicant's representative: Spencer T. Money, Park Lane Building, 2025 Eye Street NW., Washington, D.C. 20006. By application filed October 20, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes of salt cake, in bulk, from Front Royal, Va., to Winchester, Va., over U.S. Highway 522, thence over U.S. Highway 50 to junction of U.S. Highways 50 and 220, thence over U.S. Highway 220 through New Creek, W. Va., to McCoole, Md., and thence over Maryland Highway 135 to Luke, Md., serving no intermediate points, as alternate routes for operating convenience only in connection with carrier's present regular route operations. An order of the Commission, Operating Rights Board, dated February 26, 1968, and served March 6, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, of salt cake, in bulk, from Front Royal, Va., to Luke, Md.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the

FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No MC 94265 (Sub-No. 198) (Republication), filed November 29, 1966, published FEDERAL REGISTER issues of December 15, 1966, and January 6, 1967, and republished this issue. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. In the above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes of, the commodities, to, and from points substantially as indicated below. A decision and order of the Commission, Review Board Number 4, dated March 7, 1968, and served March 21, 1968, as modified finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle in interstate or foreign commerce, over irregular routes, of (1) *frozen foods*, from Cleveland, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and (2) *frozen foods*, except frozen fruits, frozen berries, and frozen vegetables, from Cleveland, Ohio, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin; restricted to the transporation of shipments originating at the plantsites and storage facilities used by Stouffer Foods Corp. in the Cleveland, Ohio, commercial zone and destined to points in the specified States; that applicant is fit, willing, and ably properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118642 (Sub-No. 2) (Republication), filed November 9, 1967, published in the FEDERAL REGISTER issue of November 30, 1967, and republished this issue. Applicant: MOLLISON'S INC., Belmont Avenue, Belfast, Maine 04915. Applicant's representative: Raymond E. Jensen, 477 Congress Street, Portland, Maine 04111. By application filed November 9, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of sulphuric acid (93½%), liquid alum, anhydrous ammonia, fertilizer ammoniating solutions, nitrogen fertilizer solutions (nonpressure), nitric acid, in bulk, in tank vehicles, from and to the points indicated below. A report and order of the Commission, Operating Rights Board, served March 20, 1968, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of liquid chemicals, in bulk, in tank vehicles, from Searsport, Maine, to points in New Hampshire and Vermont under a continuing contract with W. R. Grace & Co., of Searsport, Maine, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124129 (Sub-No. 3) (Republication), filed October 27, 1967, published FEDERAL REGISTER issue of November 16, 1967, and republished this issue. Applicant: S.M.S. TRUCKING CO., a corporation, Box 572, Valley, Nebr. 68064. Applicant's representative: Marshall D. Becker, 630 City National Bank Building, Omaha, Nebr. By application filed October 27, 1967, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of crushed stone, rip-rap stone, agricultural lime, limestone products, sand and gravel, from points in Nebraska to points in Iowa, under contract with Kerford Limestone Co. An order of the Commission, Operating Rights Board, dated February 29, 1968, and served March 27, 1968, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, *crushed stone, rip-rap stone, agricultural lime, limestone products, sand, and gravel*, in dump vehicles, from points in Nebraska to points in Iowa, under continuing contracts with Kerford Limestone Products Co., of Lincoln, Nebr., Fort Calhoun Stone Co., of Blair, Nebr., Lyman-Richey Sand & Gravel Co., of Omaha, Nebr., Ready-Mix Concrete Co., of Omaha, Nebr., and McCann Sand & Gravel Co., of Valley, Nebr., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128496 (Sub-No. 1) (Republication), filed February 20, 1967, published in the FEDERAL REGISTER, issue of March 9, 1967, and republished this issue. Applicant: HOBBLE BROOK CROSSEN HORSE VANS, INC., 104 West Barlow Road, Hudson, Ohio. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. By application filed February 20, 1967, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of horses, and supplies and equipment thereof, between points in Delaware, New Jersey, New York, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, and Maine, restricted against the movement of traffic originating in or destined to points in Canada. A report and order of the Commission, Review Board Number 2, served March 6, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate commerce only, as a common carrier, by motor vehicle, over irregular routes, of horses, and supplies and equipment therefor, between points in Delaware, New Jersey, New York, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, Maine, and Ohio; that to the extent this authority duplicates authority presently held by applicant, it shall be construed as conferring but a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulation thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order,

a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129183 (Sub-No. 1) (Republication), filed September 13, 1967, published in the FEDERAL REGISTER issue of October 5, 1967, and republished this issue. Applicant: VIKING DELIVERY SERVICE, INC., 320 Martin Avenue, Santa Clara, Calif. 95050. Applicant's representative: Philip J. Bovero, 3582 Gibson Avenue, Santa Clara, Calif. 95051. By application filed September 13, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over regular routes, of tape or wire, magnetic recording, in heated vans maintaining a temperature of 60° to 90° F., from the plantsite of Memorex Corp., located at Santa Clara, Calif., to San Francisco International Airport, Calif., over U.S. Highway 101, on traffic having a subsequent out-of-State movement by air, under contract with Memorex Corp. A report and order of the Commission, Operating Rights Board, served March 19, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of magnetic recording tape and wire, from the plantsite of Memorex Corp., at Santa Clara, Calif., to San Francisco International Airport, Calif., restricted to the transportation of traffic having an immediately subsequent movement by air under a continuing contract with Memorex Corp., of Santa Clara, Calif., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 30319 (Sub-No. 63) (Notice of Filing of Petition for Reopening and Reconsideration for the Purpose of Modifying Restrictions at Napoleonville, La.), filed February 29, 1968. Petitioner: SOUTHERN PACIFIC TRANSPORT COMPANY, Dallas, Tex. Petitioner's representative: Edwin N. Bell, 1600 Esperson Building, Houston, Tex. 77002. Petitioner is a motor common carrier operating in Louisiana and Texas, transporting general commodities in a service that is auxiliary to and supplemental of rail services rendered by Southern Pacific Co. The route here involved is between Raceland and Glenwood, La., over Louisiana Highway 1. Napoleonville is the only station with which this petition is concerned. It is an intermediate point on Louisiana Highway 1 between Raceland and Glenwood. Several restrictions appear in this certificate, on sheet 7: "The service to be performed by carrier shall be limited to that which is auxiliary to or supplemental of train service of the Southern Pacific Co., except Leonville, Cecelia, and Arnaudville, La. Carrier shall not serve any point not a station on the rail lines of the Southern Pacific Co., except Bowie, Brousville, Bunkie, Cecelia, Cleon, Deroven, Gray, Humphreys, Henderson Landing, Leleux, Long Bridge, Maurice, Milton, Port Berre, Shuteston, Talieu, Leonville, and Arnaudville and points between Houma, La., on the one hand, and, on the other, Montegut, Dulac, and Theriot, La." Southern Pacific Co. presently has pending before this Commission an application in F.D. No. 24955 to abandon a portion of that part of its rail line known as its Napoleonville Branch. If the application in D.D. 24955 is granted, Napoleonville will no longer be a point on the Southern Pacific Railroad, and it would not be legal for petitioner to continue interstate service at such point under the two restrictions set forth above. By the instant petition, petitioner seeks to modify the two restrictions in question, so that they would read as follows: "The motor carrier service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of train service of the Southern Pacific Co., except Leonville, Cecelia, Arnaudville, and *Napoleonville, La.*" "Carrier shall not serve any point not a station on the rail lines of the Southern Pacific Co., except Bowie, Brousville, Bunkie, Cecelia, Cleon, Deroven, Gray, Humphreys, Henderson Landing, Leleux, Long Bridge, Maurice, Milton, Port Berre, Shuteston, Talieu, Leonville, Arnaudville, and *Napoleonville, La.*, and points between Houma, La., on the one hand, and, on the other, Montegut, Dulac, and Theriot, La." Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 44592 (Sub-No. 26), filed March 22, 1968. Applicant: MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. 06050. Applicant's representatives: William Biederman, 280 Broadway, New York, N.Y. 10007, and Arthur E. Somers, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating on other lading), (1) Over regular routes: Points in Rhode Island as off-route points in connection with applicant's authorized regular route operations, and (2) Over irregular routes: Between points in Rhode Island. NOTE: This application is a matter directly related to MC-F 10081, published in FEDERAL REGISTER issue of April 3, 1968. It seeks to convert the Certificate of Registration of R. L. Transportation Co. under MC 120338 (Sub-No. 1) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.; Boston, Mass.; or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10055 (Correction) (DRURY'S VAN LINES, INC.—Control—A-WORLD VAN LINES, INC., et al.), published in the March 6, 1963, issue of the FEDERAL REGISTER on page 4234. This correction to show the correct name of A-WORLD VAN SERVICE, INC., in lieu of A-World Van Lines, Inc.

No. MC-F-10081. Authority sought for purchase by MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn. 06050, of the operating rights of ROBERT R. LAW, doing business as R. L. TRANSPORTATION CO., Old Mendon Road, Lonsdale, R.I., and for acquisition by FRANCIS G. PALMER, 718 Middlesex, Grosse Pointe Park, Mich., of control of such rights through the purchase. Applicants' attorneys and representative: William Biederman, 280 Broadway, New York, N.Y. 10007, Arthur E. Somers, 976 West Main Street, New Britain, Conn., and Robert R. Law, Old Mendor Road, Lonsdale, R.I. Operating rights sought to be transferred: Under a certificate of registration, in No. MC-120338 Sub-1, covering the transportation of general commodities as a common carrier, in intrastate commerce, within the State of Rhode Island. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Michigan, and Rhode Island. Application has been

filed for temporary authority under section 210a(b). NOTE: MC-44592 Sub-No. 26 is a matter directly related.

No. MC-F-10082. Authority sought for purchase by CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. 27262, of a portion of the operating rights of EARLEY & WINBORNE, INC., Harrellsville, N.C., and for acquisition by A. L. HONBARRIER, also of High Point, N.C., of control of such rights through the purchase. Applicants' attorney: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Chemicals*, as a *common carrier*, over irregular routes, from Norfolk, Va., to points in that part of North Carolina east of U.S. Highway 21 and north of U.S. Highway 74. Vendee is authorized to operate as a *common carrier* in South Carolina, North Carolina, Virginia, Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10083. Authority sought for continuance in control by LOOMIS CORPORATION, doing business as LOOMIS ARMORED CAR SERVICE, 55 Battery Street, Seattle, Wash. 98121, of LOOMIS COURIER SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121 (pursuant to the conditions in the order by the Commission, Operating Rights Board, in No. MC-129034 (Sub-No. 1) dated Feb. 26, 1968, granting the issuance of a permit therein), and for acquisition by WALTER F. LOOMIS, and CHARLES W. LOOMIS, both also of Seattle, Wash., of control of LOOMIS COURIER SERVICE, INC., through the acquisition by LOOMIS CORPORATION, doing business as LOOMIS ARMORED CAR SERVICE. Applicants' attorneys: George H. Hart and Jack R. Davis, both of 1100 IBM Building, Seattle, Wash. 98101. Operating rights sought to be controlled: *Commercial documents and business records*, as a *contract carrier*, over irregular routes, between Portland and Clackamas, Oreg., on the one hand, and, on the other, points in Clark and Cowlitz Counties, Wash., under continuing contracts with Safeway Stores, Inc.; Crown Zellebrach Corp.; and J. C. Penney Co. LOOMIS CORPORATION, doing business as LOOMIS ARMORED CAR SERVICE, is authorized to operate as a *contract carrier* in Washington, Oregon, California, Nevada, Colorado, Montana, and Utah. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3961; Filed, Apr. 2, 1968; 8:47 a.m.]

[Notice 1168]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 29, 1968.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 103435 (Sub-No. 201), filed March 24, 1968. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., East 4005 Broadway Avenue, Spokane, Wash. 99220. Applicant's representative: George LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment; winches, compaction and roadmaking equipment; rollers*, self-propelled and non-self-propelled; *mobile cranes; and highway freight trailers;* and (2) *parts, attachments, and accessories* for the commodities described in (1) above, between the plantsites of Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Oregon, and Washington.

HEARING: April 18, 1968, before Examiner John L. Horgan, Jr., in Room 863, Federal Office Building, 219 South Dearborn Street, Chicago, Ill.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3962; Filed, Apr. 2, 1968; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 29, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (unknown), filed March 19, 1968. Applicant: MONTANA EXPRESS, INC., 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Certificate of public convenience and necessity sought to operate as a freight service as follows: Transportation of *meat, packinghouse products, dairy products, food commodities and items dealt in and distributed by wholesale grocers* between all points and places in the State of Montana. Both interstate and intrastate authority is sought.

HEARING: No date has been assigned. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Montana Board of Railroad Commissioners, Helena, Mont. 59601 and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4479 (Sub-No. 6), filed March 14, 1968. Applicant: KNOXVILLE-MARYVILLE MOTOR

EXPRESS, INC., 1910 University Avenue, Knoxville, Tenn. Applicant's attorney: Walter Harwood, 515 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those of unusual value, household goods, commodities in bulk, and those requiring special equipment), between Knoxville, Tenn., and Lake City, Tenn., via U.S. Highway 25W, serving all intermediate points. Said authority to be used in conjunction with all of applicant's present authority. Both intrastate and interstate authority sought.

HEARING: Wednesday, May 8, 1968, at 9:30 a.m., at the Andrew Johnson Hotel, Knoxville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3963; Filed, Apr. 2, 1968; 8:47 a.m.]

[No. 34962]

NEW MEXICO INTRASTATE FREIGHT RATES AND CHARGES

MARCH 25, 1968.

Notice is hereby given that the common carriers by railroad shown below have, through their attorneys, filed a petition with the Interstate Commerce Commission, pursuant to section 13 of the Interstate Commerce Act, to institute an investigation to determine whether intrastate rates, fares, and charges within the State of New Mexico are unreasonably low to the extent that they do not reflect the general increase authorized in Ex Parte No. 256, Increased Freight Rates, 1967, 332 ICC 280, 329 ICC 854. The petitioners and their attorneys are: The Atchison, Topeka, and Santa Fe Railway Co. (Harvey Huston and S. R. Brittingham, Jr., 80 East Jackson Boulevard, Chicago, Ill. 60604); Chicago, Rock Island and Pacific Railroad Co. (Don McDevitt, 139 West Van Buren Street, Chicago, Ill. 60605); The Colorado and Southern Railway Co. (John C. Street, Johnson Building, Denver, Colo. 80202); The Denver and Rio Grande Western Railroad Co. (Royce D. Sickler, 1531 Stout Street, Denver, Colo. 80217); Southern Pacific Co. (Bryan G. Johnson, 1220 Simms Building, Albuquerque, N. Mex. 87101); and Texas-New Mexico Railway Co. (William R. McDowell, Fidelity Union Tower, Dallas, Tex. 75201).

Any persons interested in any of the matters in the petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of 2 copies upon the above-named petitioners' attorneys.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3964; Filed, Apr. 2, 1968; 8:47 a.m.]

[Notice No. 578]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 29, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 23 TA), filed March 22, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Frank E. Ocheltree (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared or preserved; cooking or edible oils, matches, oleomargarine and shortening, except in bulk or tank vehicles*, from Middletown (Dauphin County), Pa., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and Washington, D.C., return of *refused and rejected shipments*, for 120 days. Supporting shipper: Hunt-Wesson Foods, 1645 West Valencia Drive, Fullerton, Calif. 92634. NOTE: Applicant intends to tack with authority held by it. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, 402 East State Street, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 31879 (Sub-No. 21 TA), filed March 22, 1968. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 101 West 10th Avenue, North Kansas City, Mo. 64116. Applicant's representative: Earl E. Jameson, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except class A and B explosives, household goods, as defined in 17 M.C.C. 467, commodities in bulk, and livestock, radio pharmaceuticals or medical isotopes), between points in Kansas, those points in Missouri within the counties of Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth, and points in Nebraska on and south of a line beginning on U.S. Highway 138 at the Nebraska-Colorado State line to U.S. Highway 30 and continuing with U.S. Highway 30 to the Nebraska-Iowa State line, serving off route all points in Nebraska within 10 miles north of the aforesaid line.

Restrictions: (1) No service shall be rendered in the transportation of any parcels, packages, or articles weighing in the aggregate more than 100 pounds from one consignor at any one location to one consignee at any one location on any one day. (2) No service shall be rendered in transportation of microfilm, commercial papers, coins, currency, negotiable securities, documents, and written instruments such as are used in the conduct and operation of banks and banking institutions; exposed and processed color film and prints, complimentary replacement film and incidental dealer handling supplies (except motion picture film and material and supplies used in connection with theater and television operations); papers used in the processing of data by computing machines, punch cards, magnetic encoded documents, magnetic tape, punch paper tape, printed reports, documents, and office records; proofs, cuts, copy, prints, and photoengravings; eyeglasses, frames, lenses, and parts thereof; audit, accounting, and data processing media, business reports and records. NOTE: Applicant intends to tack the above operating authority with that now held and pending, and to interline with other motor common carriers, for 180 days. Supporting shippers: There are approximately (180) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: H. J. Simmons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 64112 (Sub-No. 36 TA), filed March 25, 1968. Applicant: NORTHEASTERN TRUCKING COMPANY, 2508 Starita Road, 28213, Post Office Box 1493, Charlotte, N.C. 28201. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from plantsites and storage facilities of Reed Candy Co. at or near Campbellsville, Ky., to points in Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, Louisiana, Texas, Missouri, Illinois, Minnesota, Indiana, Ohio, Michigan, and Pennsylvania, for 180 days. Supporting shipper: P. Lorillard Co., 200 East 42d Street, New York, N.Y. 10017, Attention: Frank Krause, Jr., Director of Traffic. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 417, BSR Building, 316 East Morehead Street, Charlotte, N.C. 28203.

No. MC 73165 (Sub-No. 247 TA), filed March 22, 1968. Applicant: EAGLE MOTOR LINES, INC., Post Office Box 1348, 830 North 33d Street, Birmingham, Ala. 35201. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment; winches; compaction and roadmaking equipment, rollers, self-propelled and non-self-propelled; mobile cranes; and highway freight trailers;* (2) *parts, attachments, and accessories for the commodities* described in (1) above, between the plantsites of the Hyster Co. located at or near Danville, Kewanee, and Peoria, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas. Restriction: Restricted to the handling of traffic originating at or destined to the named plantsites, for 180 days. Supporting shipper: Hyster Co., 2902 Northeast Clackamas, Portland, Oreg. 97208, Attention: David C. Williams, General Traffic Manager. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 107496 (Sub-No. 651 TA), filed March 22, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from the plantsite of Monsanto Co., at El Dorado, Ark., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 150 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107839 (Sub-No. 122 TA) (Correction), filed March 11, 1968, published FEDERAL REGISTER issue of March 23, 1968, and republished as corrected this issue. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (1) from Denver, Colo., to points in Lubbock County, Tex., and (2) from points in Lubbock County, Tex., to Denver, Colorado Springs, and Pueblo, Colo., for 180 days. Supporting shipper: Vincent Bar-None Co., Inc., 2661 Walnut Street, Denver, Colo. 80205; Prater's Foods, Route 4, Box 24, Lubbock, Tex. 79400. NOTE: The purpose of this republication is to include supporting shipper, which was inadvertently omitted from previous publication. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 112520 (Sub-No. 177 TA), filed March 22, 1968. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, New Quincy Highway, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solution of ammonium nitrate, sodium nitrate, and water solution*, from the plantsite or storage facility of Hercules, Inc., at or near McAdory (Jefferson County), Ala., to New Orleans, La., for 180 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19899. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 112801 (Sub-No. 83 TA), filed March 25, 1968. Applicant: TRANSPORT SERVICE CO., Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Athens, Ill., to points in Iowa and Indiana for 180 days. Supporting shipper: Poly P. Inc., Athens, Ill. 62613. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse & Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 115331 (Sub-No. 249 TA), filed March 22, 1968. Applicant: TRUCK TRANSPORT INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Amyl phenol*, in bulk, in tank vehicles, from Fort Madison, Iowa, to Muskegon, Mich., for 180 days. Supporting shipper: Chevron Chemical Co., J. L. Roye, Traffic Representative, Post Office Box 282, Ortho Way, Fort Madison, Iowa 52627. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 324–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 115669 (Sub-No. 90 TA), filed March 22, 1968. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from that area of Nebraska bounded by U.S. Highway 6 on the north, Nebraska Highway 14 on the east, Nebraska Highway 74 on the south, and U.S. Highway 281 on the west, to points in Colorado, Wyoming, South Dakota, North Dakota, Minnesota, Iowa, Missouri, and Kansas, for 180 days. Supporting shipper: Cominco American, Box 186, Beatrice, Nebr. 68310. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 118561 (Sub-No. 12 TA), filed March 22, 1968. Applicant: HERBERT B. FULLER, doing business as FULLER TRANSFER COMPANY, 212 East Street, Post Office Box 422, Maryville, Tenn. 37801. Applicant's representative: Harold Seligman, 1808 West End Building, 12th Floor, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, in vehicles equipped with temperature control devices, from Knoxville, Tenn., and points in Blount County, Tenn., to points in McMinn, Bradley, Polk, Marion, and Hamilton Counties, Tenn., for 180 days. Supporting shipper: The Rath Packing Co., Post Office Box 330 Waterloo, Iowa 50704. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 803, 1008 West End Building, Nashville, Tenn. 37203.

No. MC 123233 (Sub-No. 19 TA), filed March 25, 1968. Applicant: PROVOST CARTAGE INC., 7785 Hochelaga, Montreal 5, Quebec, Canada. Applicant's representative: Brady & Brady, 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor over irregular routes, transporting: *Starch*, in bulk, in pressure differential tank vehicles, from Massena, N.Y., to the port of entry on the United States-Canadian international boundary line at or near Rooseveltown, N.Y., for 150 days. Supporting shipper: American Maize-Products Co., 113th Street and Indianapolis Boulevard, Roby, Ind. 46326. Send protests to: Martin P. Monaghan Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 38, Montpelier, Vt. 05602.

No. MC 128856 (Sub-No. 2 TA) (Correction), filed January 24, 1968, published FEDERAL REGISTER, issue of February 1, 1968, and republished as corrected this issue. Applicant: LIN DOWNING & SONS, doing business as LINZIE DOWNING, 1200 Pacific Avenue, Post Office Box 1771, Yuma, Ariz. 85364. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, (1) from points in Yuma County, Ariz., to Blythe, Calif., and its commercial zone; (2) from railheads or sidings in Yuma County, Ariz., and Winterhaven, Calif., to points in Yuma County, Ariz., and points in Imperial County, Calif., and Blythe, Calif., and points in its commercial zone, for 180 days. NOTE: The purpose of this republication is to correctly describe the territory proposed to be served. Supporting shipper: Walter Jacoby & Sons Farm Chemicals, Inc., Post Office Box 500, Somerton, Ariz. 85350. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3965; Filed, Apr. 2, 1968; 8:47 a.m.]

[Notice 117]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 29, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70291. By order of March 25, 1968, the Transfer Board approved the transfer to Garttmeyer Moving & Storage, Inc., Philadelphia, Pa., of the operating rights in certificate No. MC-24106 issued March 20, 1942, to Harry F. Garttmeyer, Philadelphia, Pa., authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, and the District of Columbia. Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102, attorney for transferee.

No. MC-FC-70304. By order of March 25, 1968, the Transfer Board approved the transfer to Ethel Tschetter, doing business as Panhandle Bus Line, Post Office Box 38, Spirit Lake, Idaho 83869, of certificate No. MC-111855 (Sub-No. 2), issued January 30, 1964, to Richard K. Reynolds, doing business as Spirit Lake Bus Line, Post Office Box 85, Athol, Idaho 83801, authorizing the transportation of passengers and their baggage, between Athol, Idaho, and the site of the plant of the Kaiser Aluminum and Chemical Corp. at Trentwood, Wash.

No. MC-FC-70313. By order of March 25, 1968, the Transfer Board approved the transfer to Gibbs Custom Tours, Inc., Highland Park, Ill., of the authority to engage in brokerage operations in License No. MC-12874 (Corrected) issued October 28, 1964, to Andrew P. Gibbs, doing business as Andrew P. Gibbs Tours, Highland Park, Ill., in arranging for the transportation of passengers and their baggage, in conducted tours, in charter operations, beginning and ending at points in Illinois, Wisconsin, Minnesota, Iowa, Indiana, Ohio, Missouri, and Michigan, and extending to all points in the United States. Louis R. Gentili, 38 South Dearborn Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-70324. By order of March 25, 1968, the Transfer Board approved the transfer to Rucker Brothers Trucking, Inc., Tacoma, Wash., of the operating rights in certificates Nos. MC-96607, MC-96607 (Sub-No. 2), MC-96607 (Sub-No. 4), and MC-96607 (Sub-No. 6), issued by the Commission July 27, 1952, December 15, 1952, December 18, 1959, and January 12, 1968, respectively, to Murrell Rucker and Burrell Rucker, a partnership doing business as Rucker Brothers Trucking Co., Tacoma, Wash., authorizing the transportation, over irregular routes, of lumber, prefabricated houses, lumber, except plywood, restricted to traffic moving in foreign commerce to territories and possessions of the United States, from, to, and between points in Pierce County, Wash., Chehalis, Wash., Longview, Tacoma, and Seattle, Wash., and Lewis County, Wash., points in Idaho, St. Helens and Columbia City, Oreg., and Issaquah, Wash., varying with the commodities transported, and as restricted; and over a regular route, lumber from Tacoma, Wash., to Seattle, Wash. Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104, applicants' representative.

No. MC-FC-70344. By order of March 25, 1968, the Transfer Board approved the transfer to Pitzer Transfer & Storage Corp., Roanoke, Va., of the operating rights in certificate Nos. MC-61382, MC-61382 (Sub-No. 1) and MC-61382 (Sub-No. 2) issued February 21, 1950, January 23, 1963, and March 24, 1958, respectively, to Warren T. Williams, doing business as Warren T. Williams Transfer, Roanoke, Va., authorizing the transportation of household goods, as defined by the Commission, between Roanoke, Va., and points within 25 and 30 miles thereof, to points in Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. Evans B. Jessee, 404 Shenandoah Building, Roanoke, Va. 24011, John R. Sims, Jr., 480 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3966; Filed, Apr. 2, 1968; 8:47 a.m.]

[Notice 117A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 29, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69957. By order of March 25, 1968, Division 3, acting as an Appellate Division, approved the transfer to Hentz Truck Line, Inc., Hankinson, N. Dak., of the operating rights in certificate No. MC-47827 issued December 5, 1949, to Donald F. Hanford and Byers G. Hanford, doing business as Hanford Brothers, Mentor, Minn., authorizing the transportation of general commodities, with the usual exceptions, between Mentor, Minn., and 20 miles thereof, on the one hand, and, on the other, specified points in North Dakota. Will S. Tomljanovich, 2327 Wycliff Street, St. Paul, Minn. 55114, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-3967; Filed, Apr. 2, 1968; 8:47 a.m.]

[Notice 116]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 28, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition

will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70149. By order of March 25, 1968, the Transfer Board approved the transfer to Grand Prairie Trucking Co., a corporation, Grand Prairie, Tex., of those portions of the operating rights in certificates Nos. MC–58311 (Sub-No. 1), MC–58311 (Sub-No. 12), and MC–58311 (Sub-No. 14) issued by the Commission October 15, 1954, February 17, 1956, and October 31, 1962, respectively, to Ball Brothers Trucking Co., Inc., Grand Prairie, Tex., authorizing the transportation, over irregular routes, of machinery, equipment, materials, and supplies used in, or in connection with, the drilling of water wells, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, between points in Oklahoma, on the one hand, and, on the other, points in described portions of Montana, North Dakota, and South Dakota. Clayte Binion, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102, attorney for applicants.

No. MC–FC–70281. By order of March 25, 1968, the Transfer Board authorized Westours, Inc., Seattle, Wash., to acquire control of the passenger broker license in No. MC–12819 issued January 26, 1968, to Scenery Unlimited, Inc., Seattle, Wash., authorizing the holder thereof to engage in operations as a broker at Seattle, Wash., in arranging for the transportation of passengers and their baggage, in round-trip charter operations, beginning and ending at Seattle, Wash., and extending to points in Arizona, California, Colorado, Idaho, Montana, Oregon, Nevada, New Mexico, Utah, and Wyoming, and to ports of entry at or near the United States-Canada boundary line in Washington. A. T. Wendells, 455 Olympic National Life Building, Seattle, Wash. 98104, attorney for applicants.

No. MC–FC–70317. By order of March 25, 1968, the Transfer Board approved the transfer to Walter Eugene Nass, doing business as Eugene Nass Trucking, Wenona, Ill., of those portions of the operating rights in certificates Nos. MC–127303 (Sub-No. 3), and MC–127303 (Sub-No. 7), issued August 24, 1966, and January 29, 1968, respectively, to Henry Zellmer, doing business as Zellmer Truck Lines, Granville, Ill., authorizing the transportation of malt beverages and related advertising materials, from Newport, Ky., South Bend., Ind., Detroit, Mich., and Sheboygan and La Crosse, Wis., to Peoria, Ill.; from Milwaukee, Wis., to La Salle, Ill., and from Milwaukee and La Crosse, Wis., to Rockford, Ill. E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006, attorney for applicants.

No. MC–FC–70321. By order of March 22, 1968, the Transfer Board approved the transfer to Wheelways, Inc., Millington, N.J., of the operating rights in certificates Nos. MC–117669, MC117669 (Sub-No. 1), and MC–117669 (Sub-No. 2), issued January 14, 1959, April 20, 1965, and April 20, 1965, respectively, to Medway Trucking Corp., Philadelphia, Pa., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, and other specified commodities, from points in the District of Columbia, Delaware, and New Jersey, points in a described portion of New York, a described portion of Pennsylvania, and a described portion of Maryland; electric supplies, equipment, fittings, fixtures, and accessories, between Philadelphia, Pa., on the one hand, and, on the other, points in the District of Columbia, Delaware, and New Jersey, and points in Pennsylvania and Maryland on and east of a line as described; and sewing, knitting, and pressing machines, with parts, equipment, fittings, fixtures, and accessories therefor, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, and points in that part of New York on and south of U.S. Highway 6, of soap chemicals and textile and lubricating oils, in containers, from Philadelphia, Pa., to New York, N.Y., and Bayonne, Beverly, and Camden, N.J.; and radios and television sets, incidental parts, batteries and supplies, and electrical equipment, between points in Philadelphia County, Pa., and between Philadelphia, Pa., on the one hand, and, on the other, Wilmington and Dover, Del., Newark, Perth Amboy, Elizabeth, Trenton, Hammonton, Edgewater, Atlantic City, and Camden, N.J., and points in the New York, N.Y., commercial zone as defined. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, applicants' representative.

No. MC–FC–70329. By order of March 25, 1968, the Transfer Board approved the transfer to L & A Transportation, Inc., Houston, Tex., of the operating rights in certificate of registration No. MC–121340 (Sub-No. 1), issued August 18, 1966, to R. Levinge and T. L. Allen, Jr., a partnership, doing business as L & A Transportation Co., Houston, Tex., authorizing the transportation, of livestock, livestock feedstuff, farm machinery and grain from Houston to all points in Texas, and vice versa, and of oilfield equipment and pipe, when moving as oilfield equipment, between all points in Texas. Joe G. Fender, 802 Houston First Savings Building, Fannin at Capitol, Houston, Tex. 77002, attorney for applicants.

No. MC–FC–70332. By order of March 22, 1968, the Transfer Board approved the transfer to James A. Wood, doing business as Potosi Express, Potosi, Mo., of the certificate of registration in No. MC–121605 issued December 2, 1966, to Robert J. Glore and Larry Glore, a partnership, doing business as Potosi Express, Potosi, Mo., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate of convenience and necessity No. T–24,268 dated May 2, 1966, issued by the Missouri Public Service Commission. Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101, attorney for applicants.

No. MC–FC–70334. By order of March 25, 1968, the Transfer Board approved the transfer to Napoleon J. Eno and Paul Eno, a partnership, doing business as Nap & Paul's Marine, East Hartford, Conn., of the operating rights in certificate No. MC–119428 issued August 18, 1960, to Donald C. Kastner, doing business as Don's Boat Transport, Glastonbury, Conn., authorizing the transportation of boats, ranging in length up to 35 feet and not exceeding 14,000 pounds in weight, between points in Hartford and Middlesex Counties, Conn., on the one hand, and, on the other, New York, N.Y., and points in Long Island, N.Y., Maine, Massachusetts, Rhode Island, and New Jersey. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–3906; Filed, Apr. 1, 1968; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.