

FEDERAL REGISTER

VOLUME 32 • NUMBER 197

Wednesday, October 11, 1967 • Washington, D.C.

Pages 14085-14142

Agencies in this issue—

The President
Agricultural Stabilization and
Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Health, Education, and Welfare
Department
Interstate Commerce Commission
Land Management Bureau
Packers and Stockyards
Administration
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



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List of CFR Parts Affected

(Codification Guide)

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, 1967, and specifies how they are affected.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3813

COLUMBUS DAY, 1967

By the President of the United States of America

A Proclamation

Four hundred and seventy-five years ago, Christopher Columbus set off from Spain through perilous seas on one of history's most challenging—and most rewarding explorations. His perseverance through storms and testing is part of the living legend of the man and the heritage of this Nation, whose gates he opened.

Like Columbus, we are constantly seeking new paths to the future. At home, we seek to fulfill our dreams of a society of prosperity and justice for all Americans. Abroad, we strive to build a new world of peace, with freedom and dignity for all men.

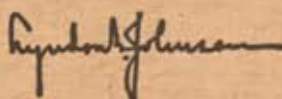
In acknowledging our legacy from the great explorer, Christopher Columbus, we also honor the Italian nation from which he came. Millions of his countrymen have followed him to the New World. They have helped to forge the cultural, economic, and political strength of this Nation. America is proud of Columbus. America is proud of its people of Italian ancestry who have given so much to make our Nation great.

In tribute to that great Captain, the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President to proclaim October 12 of each year as Columbus Day for the observance of the anniversary of the discovery of America.

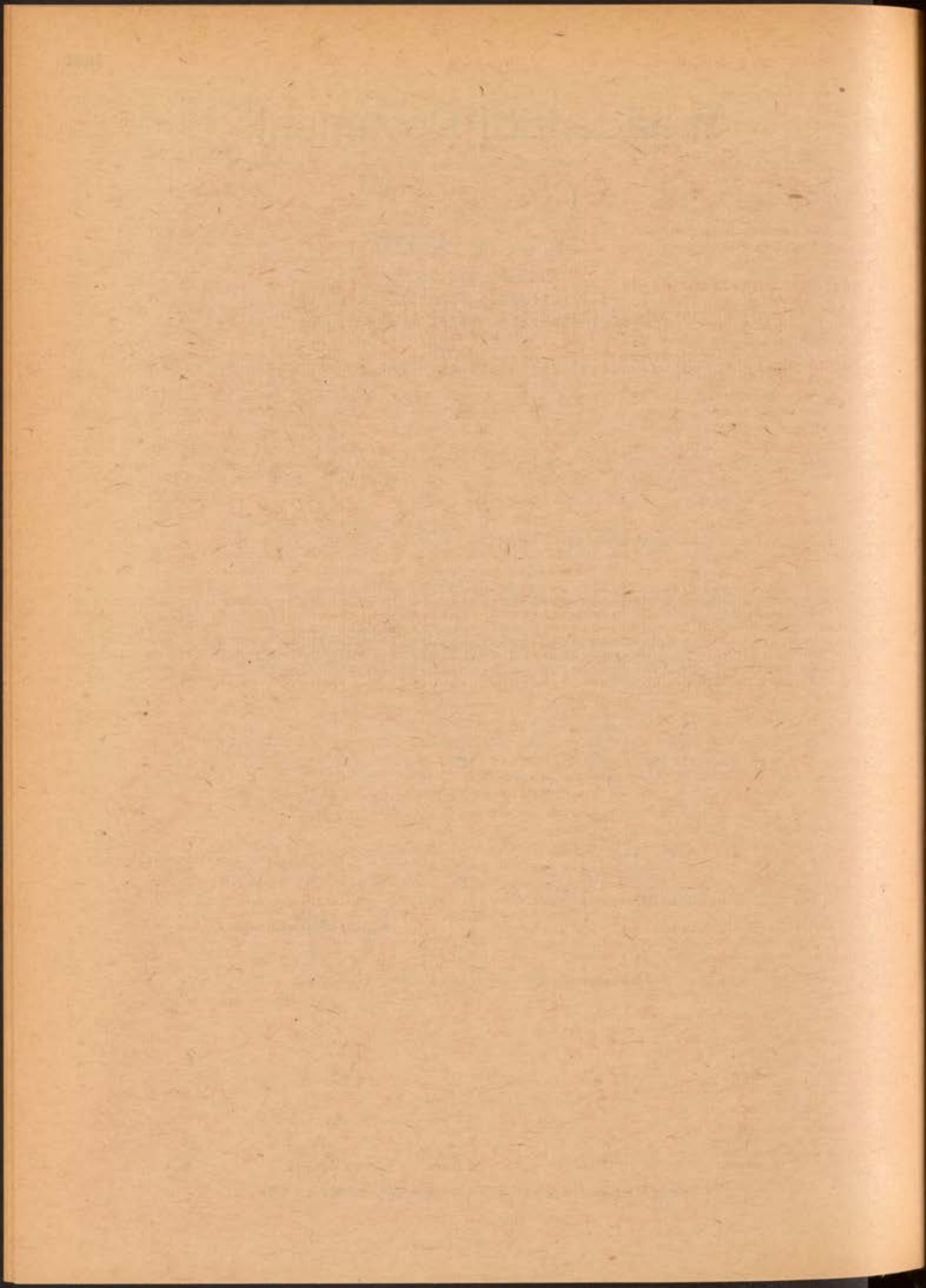
NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Thursday, October 12, 1967, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 67-12108; Filed, Oct. 10, 1967; 10:39 a.m.]



Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CANNING PEA CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for canning pea crop insurance for the 1968 crop year.

UTAH

Box Elder.	Salt Lake.
Cache.	Utah.
Davis.	Weber.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[P.R. Doc. 67-11965; Filed, Oct. 10, 1967; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1968 crop year. The crops on which insurance is offered are shown opposite the name of the county.

NORTH DAKOTA

County	Crop(s)
Barnes	Barley, Flax, Oats, Rye, Wheat.
Grand Forks	Barley, Flax, Oats, Wheat.
Pierce	Barley, Flax, Oats, Rye, Wheat.
Ransom	Barley, Corn, Flax, Oats, Wheat.
Richland	Barley, Corn, Flax, Oats, Rye, Soybeans, Wheat.
Sargent	Barley, Corn, Flax, Oats, Wheat.
Steele	Barley, Flax, Oats, Wheat.

SOUTH DAKOTA

Day	Barley, Corn, Flax, Oats, Rye, Wheat.
Lake	Corn, Flax, Oats, Rye, Soybeans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[P.R. Doc. 67-11958; Filed, Oct. 10, 1967; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1968 crop year.

COLORADO

Boulder.	Sedgwick.
Larimer.	Washington.
Logan.	Weld.
Morgan.	

DELAWARE

Kent.	Sussex.
New Castle.	

ILLINOIS

Adams.	Lee.
Bond.	Livingston.
Brown.	Logan.
Bureau.	McDonough.
Carroll.	McLean.
Cass.	Macon.
Champaign.	Maccouplin.
Christian.	Madison.
Clark.	Marshall.
Clinton.	Mason.
Coles.	Menard.
Crawford.	Mercer.
Cumberland.	Monroe.
De Kalb.	Montgomery.
De Witt.	Morgan.
Douglas.	Moultrie.
Edgar.	Ogle.
Effingham.	Peoria.
Fayette.	Piatt.
Ford.	Pike.
Fulton.	St. Clair.
Greene.	Sangamon.
Grundy.	Schuyler.
Hancock.	Scott.
Henderson.	Shelby.
Henry.	Stephenson.
Iroquois.	Tazewell.
Jasper.	Vermillion.
Jefferson.	Warren.
Jersey.	Washington.
Jo Daviess.	Wayne.
Kankakee.	Whiteside.
Kendall.	Winnebago.
Knox.	Woodford.
La Salle.	

INDIANA

Adams.	Cass.
Allen.	Clay.
Bartholomew.	Clinton.
Benton.	Decatur.
Blackford.	De Kalb.
Boone.	Delaware.
Carroll.	Elkhart.

INDIANA—Continued

Fountain.	Morgan.
Fulton.	Newton.
Gibson.	Noble.
Grant.	Parke.
Hamilton.	Pulaski.
Hancock.	Putnam.
Hendricks.	Randolph.
Henry.	Ripley.
Howard.	Rush.
Huntington.	Shelby.
Jackson.	Sullivan.
Jasper.	Tippecanoe.
Jay.	Tipton.
Johnson.	Vermillion.
Knox.	Vigo.
Kosciusko.	Wabash.
Lagrange.	Warren.
Madison.	Wayne.
Marion.	Weils.
Marshall.	White.
Miami.	Whitley.
Montgomery.	

IOWA

Adair.	Jasper.
Adams.	Jefferson.
Allamakee.	Johnson.
Audubon.	Jones.
Benton.	Keokuk.
Black Hawk.	Kossuth.
Boone.	Lee.
Bremer.	Linn.
Buchanan.	Louisa.
Buena Vista.	Lyon.
Butler.	Madison.
Calhoun.	Mahaska.
Carroll.	Marshall.
Cass.	Marion.
Cedar.	Mills.
Cerro Gordo.	Mitchell.
Cherokee.	Monona.
Chickasaw.	Montgomery.
Clarke.	Muscataine.
Clay.	O'Brien.
Clayton.	Osceola.
Clinton.	Page.
Crawford.	Palo Alto.
Dallas.	Plymouth.
Delaware.	Pocahontas.
Des Moines.	Polk.
Dickinson.	Pottawattamie.
Dubuque.	Poweshiek.
Emmet.	Sac.
Fayette.	Scott.
Floyd.	Shelby.
Franklin.	Sioux.
Fremont.	Story.
Greene.	Tama.
Grundy.	Taylor.
Guthrie.	Union.
Hamilton.	Wapello.
Hancock.	Warren.
Hardin.	Washington.
Harrison.	Webster.
Henry.	Winnebago.
Howard.	Winneshiek.
Humboldt.	Woodbury.
Ida.	Worth.
Iowa.	Wright.
Jackson.	

KANSAS

Atchison.	Johnson.
Bourbon.	Linn.
Brown.	Marshall.
Crawford.	Miami.
Doniphan.	Nemaha.
Douglas.	Osage.
Franklin.	Pottawatomie.
Jackson.	Shawnee.
Jefferson.	Washington.

KENTUCKY

Christian.
Davies.
Henderson.

McLean.
Todd.
Union.

MARYLAND

Caroline.
Kent.

Talbot.
Queen Annes.

MICHIGAN

Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Ingham.
Ionia.
Jackson.

Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Cottonwood.
Dakota.
Dodge.
Douglas.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Houston.
Jackson.
Kandiyohi.
Lac Qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Mower.

Murray.
Nicollet.
Nobles.
Olmsted.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Todd.
Traverse.
Wabasha.
Waseca.
Washington.
Watsonwan.
Winona.
Wright.
Yellow Medicine.

MISSISSIPPI

Tippah.

MISSOURI

Adair.
Andrew.
Atchison.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clinton.
Cooper.
Davies.
De Kalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.

Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Worth.

NEBRASKA

Antelope.
Boone.
Burt.
Butler.
Cass.
Cedar.

Colfax.
Cuming.
Dixon.
Dodge.
Gage.
Hall.

NEBRASKA—Continued

Hamilton.
Johnson.
Knox.
Lancaster.
Madison.
Merrick.
Nemaha.
Otoe.
Pawnee.

Pierce.
Platte.
Polk.
Richardson.
Saunders.
Stanton.
Washington.
Wayne.
York.

NORTH CAROLINA

Beaufort.
Hyde.
Nash.

Pamlico.
Rowan.
Washington.

NORTH DAKOTA

Cass.
Ransom.

Richland.
Sargent.

OHIO

Allen.
Ashland.
Auglaize.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.

Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.

Franklin.
Lancaster.
Lebanon.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Charles Mix.
Clark.
Clay.
Codington.
Davison.
Day.
Deuel.
Douglas.
Grant.
Hamlin.

Hanson.
Hutchinson.
Kingsbury.
Lake.
Lincoln.
McCook.
Miner.
Minnehaha.
Moody.
Roberts.
Turner.
Union.
Yankton.

TENNESSEE

Franklin.

Obion.

VIRGINIA

Nansemond.

Southampton.

WISCONSIN

Barron.
Buffalo.
Clark.
Columbia.
Crawford.
Dane.
Dodge.
Dunn.
Fond du Lac.
Grant.
Green.
Iowa.
Jackson.
Jefferson.

Kenosha.
La Crosse.
Lafayette.
Pepin.
Pierce.
Racine.
Richland.
Rock.
St. Croix.
Sauk.
Trempealeau.
Vernon.
Walworth.
Waukesha.

WYOMING

Goshen.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[P.R. Doc. 67-11959; Filed, Oct. 10, 1967;
8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for cotton crop insurance for the 1968 crop year.

ALABAMA

Barbour.
Blount.
Cherokee.
Chilton.
Coffee.
Colbert.
Covington.
Crenshaw.
Cullman.
Dallas.
Dale.
De Kalb.
Escambia.
Etowah.

Geneva.
Hale.
Henry.
Houston.
Jackson.
Lauderdale.
Lawrence.
Limestone.
Madison.
Marshall.
Morgan.
Pickens.
Pike.
Tuscaloosa.

ARIZONA

Maricopa.
Pinal.

Yuma.

ARKANSAS

Arkansas.
Ashley.
Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Jefferson.
Lawrence.

Lee.
Lincoln.
Lonoke.
Mississippi.
Monroe.
Phillips.
Poinsett.
Prairie.
Randolph.
Saint Francis.
Woodruff.

CALIFORNIA

Fresno.
Imperial.
Kern.

Kings.
Riverside.
Tulare.

FLORIDA

Jackson.

GEORGIA

Baker.
Ben Hill.
Brooks.
Bulloch.
Calhoun.
Candler.
Clay.
Coffee.
Colquitt.
Cook.
Crisp.
Decatur.
Dooley.

Early.
Irwin.
Lee.
Miller.
Mitchell.
Randolph.
Sumter.
Tattnall.
Terrell.
Thomas.
Tift.
Turner.
Worth.

KENTUCKY

Fulton.

LOUISIANA

Acadia.
Avoyelles.
Boefer.
Caddo.
Caldwell.
Concordia.
Catahoula.
East Carroll.
Evangeline.
Franklin.
Madison.
Morehouse.
Natchitoches.
Rapides.
Red River.
Richland.
Saint Landry.
Tensas.
West Carroll.

MISSISSIPPI

Alcorn.
Bolivar.
Calhoun.
Carroll.
Coshoma.
De Soto.
Hinds.
Holmes.
Humphreys.
Issaquena.
Jefferson Davis.
Lee.
Leflore.
Madison.
Monroe.
Panola.
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Washington.
Yazoo.

MISSOURI

Butler.
Dunklin.
Mississippi.
New Madrid.
Pemiscot.
Scott.
Stoddard.

NEW MEXICO

Chaves.
Dona Ana.
Eddy.
Lea.

NORTH CAROLINA

Bertie.
Chowan.
Cleveland.
Cumberland.
Edgecombe.
Franklin.
Greene.
Halifax.
Harnett.
Hartford.
Hoke.
Iredell.
Johnston.
Lincoln.
Mecklenburg.
Montgomery.
Moore.
Nash.
Northampton.
Pitt.
Richmond.
Robeson.
Rowan.
Rutherford.
Sampson.
Scotland.
Warren.
Wayne.
Wilson.

OKLAHOMA

Beckham.
Caddo.
Grady.
Harmon.
Jackson.
Kiowa.
Tillman.
Washita.

SOUTH CAROLINA

Aiken.
Allendale.
Anderson.
Bamberg.
Barnwell.
Calhoun.
Chester.
Chesterfield.
Clarendon.
Darlington.
Dillon.
Edgefield.
Florence.
Greenville.
Hampton.
Laurens.
Lee.
Marion.
Marlboro.
Orangeburg.
Saluda.
Spartanburg.
Sumter.
Williamsburg.
York.

TENNESSEE

Carroll.
Chester.
Crockett.
Dyer.
Fayette.
Franklin.
Gibson.
Giles.
Hardeman.
Haywood.
Henderson.
Lake.
Lauderdale.
Lawrence.
Lincoln.
McNairy.
Madison.
Obion.
Shelby.
Tipton.
Weakley.

TEXAS

Austin.
Bailey.
Bell.
Bosque.
Brazos.
Briscoe.
Burleson.
Calhoun.
Castro.
Cochran.
Collin.
Crosby.
Culberson.
Dawson.
Deaf Smith.
Denton.
Ellis.
El Paso.
Falls.
Fannin.
Floyd.
Fort Bend.
Garza.
Grayson.
Hale.
Haskell.
Hill.
Hockley.
Hudspeth.
Hunt.
Knox.
Lamar.
Lamb.
Limestone.
Lubbock.
Lynn.
Matagorda.
McLennan.
Milam.
Navarro.
Nueces.
Palmer.
Pecos.
Reeves.
Refugio.
Robertson.
San Patricio.
Swisher.
Terry.
Travis.
Victoria.
Wharton.
Wilbarger.
Williamson.

VIRGINIA

Greenville.
Southampton.
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager, Federal
Crop Insurance Corporation.

[P.R. Doc. 67-11960; Filed, Oct. 10, 1967;
8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1968 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

COLORADO

County	Class(es) of dry beans insured
Boulder	Pinto.
Larimer	Pinto.
Logan	Pinto.
Morgan	Pinto.
Sedgwick	Pinto.
Washington	Pinto.
Weid	Pinto.

IDAHO

Canyon	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.
Cassia	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹
Gooding	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹
Jerome	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹
Lincoln	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.

IDAHO—Continued

Minidoka	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹
Owyhee	Great Northern, Pinks, Pinto, Red Kidney, Small Reds.
Twin Falls	Great Northern, Pinks, Pinto, Red Kidney, Small Reds. ¹

MICHIGAN

Bay	Pea and Medium White.
Gratiot	Pea and Medium White.
Huron	Pea and Medium White.
Saginaw	Pea and Medium White.
St. Clair	Pea and Medium White.
Sanilac	Pea and Medium White.
Shiawassee	Pea and Medium White.
Tuscola	Pea and Medium White.

NEBRASKA

Box Butte	Great Northern, Pinto.
Morrill	Great Northern, Pinto.
Scotts Bluff	Great Northern, Pinto.
Sheridan	Great Northern, Pinto.

WASHINGTON

Adams	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Franklin	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.
Grant	Great Northern, Pinks, Pinto, Small Flat Whites, Small Reds.

WYOMING

Big Horn	Great Northern, Pinto.
Goshen	Great Northern, Pinto.
Park	Great Northern, Pinto.
Platte	Great Northern, Pinto.
Washakie	Great Northern, Pinto.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[P.R. Doc. 67-11955; Filed, Oct. 10, 1967;
8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1968 crop year.

MINNESOTA

Becker.	Otter Tail.
Big Stone.	Pennington.
Chippewa.	Pipestone.
Clay.	Polk.
Grant.	Pope.
Kittson.	Red Lake.
Lac Qui Parle.	Redwood.
Lincoln.	Roseau.
Lyon.	Stevens.
Mahnomen.	Swift.
Marshall.	Traverse.
Murray.	Wilkin.
Nobles.	Yellow Medicine.
Norman.	

¹ Insurance is also provided on bush varieties of garden seed beans.

NORTH DAKOTA

Barnes.	Mountrail.
Benson.	Nelson.
Bottineau.	Pembina.
Burleigh.	Pierce.
Cass.	Ramsey.
Cavalier.	Ransom.
Dickey.	Renville.
Eddy.	Richland.
Emmons.	Rolette.
Foster.	Sargent.
Grand Forks.	Sheridan.
Griggs.	Steele.
Kidder.	Stutsman.
La Moure.	Towner.
Logan.	Trall.
McHenry.	Walsh.
McIntosh.	Ward.
McLean.	Wells.

SOUTH DAKOTA

Brookings.	Hamlin.
Brown.	Kingsbury.
Campbell.	Lake.
Clark.	McPherson.
Codington.	Marshall.
Corson.	Miner.
Day.	Moody.
Deuel.	Roberts.
Edmunds.	Walworth.
Grant.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[P.R. Doc. 67-11961; Filed, Oct. 10, 1967; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for grain sorghum crop insurance for the 1968 crop year.

ARIZONA

Maricopa.	Yuma.
Pinal.	

KANSAS

Allen.	Greenwood.
Anderson.	Harvey.
Atchinson.	Haaskell.
Barton.	Jackson.
Bourbon.	Jefferson.
Brown.	Jewell.
Butler.	Johnson.
Chase.	Kearny.
Clay.	Kingman.
Cloud.	Labette.
Coffey.	Lincoln.
Cowley.	Linn.
Crawford.	Lyon.
Dickinson.	Marion.
Doniphan.	Marshall.
Douglas.	McPherson.
Eik.	Meade.
Ellis.	Miami.
Ellsworth.	Mitchell.
Finney.	Montgomery.
Franklin.	Morris.
Geary.	Nemaha.
Grant.	Neosho.

KANSAS—Continued

Osage.	Scott.
Osborne.	Sedgwick.
Ottawa.	Seward.
Pawnee.	Shawnee.
Phillips.	Smith.
Pottawatomie.	Stafford.
Pratt.	Stanton.
Reno.	Stevens.
Republic.	Sumner.
Rice.	Wabaunsee.
Riley.	Washington.
Rooks.	Wichita.
Rush.	Wilson.
Russell.	Woodson.
Saline.	

Atchison.	Henry.
Bates.	Vernon.

MISSOURI

Henry.	Vernon.
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NEBRASKA

Adams.	Madison.
Boone.	Nance.
Butler.	Nemaha.
Cass.	Nuckolls.
Clay.	Otoe.
Colfax.	Pawnee.
Dodge.	Platte.
Fillmore.	Polk.
Franklin.	Richardson.
Gage.	Saline.
Hall.	Saunders.
Hamilton.	Seward.
Jefferson.	Thayer.
Johnson.	Webster.
Kearney.	York.
Lancaster.	

NEW MEXICO

Lea.

OKLAHOMA

Alfalfa.	Jackson.
Blaine.	Kay.
Caddo.	Kiowa.
Canadian.	Mayes.
Craig.	Nowata.
Delaware.	Ottawa.
Garfield.	Texas.
Grady.	Tillman.
Grant.	Washita.

SOUTH DAKOTA

Bon Homme.	Douglas.
Charles Mix.	Hanson.
Davison.	Hutchinson.

TEXAS

Bailey.	Hunt.
Bell.	Lamb.
Bosque.	Lubbock.
Briscoe.	Matagorda.
Calhoun.	McLennan.
Carson.	Milam.
Castro.	Moore.
Collin.	Navarro.
Crosby.	Nueces.
Dallam.	Parmer.
Deaf Smith.	Randall.
Denton.	Refugio.
Ellis.	San Patricio.
Falls.	Sherman.
Floyd.	Swisher.
Fort Bend.	Travis.
Grayson.	Victoria.
Hale.	Wharton.
Hansford.	Wilbarger.
Hill.	Williamson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[P.R. Doc. 67-11962; Filed, Oct. 10, 1967; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for oat crop insurance for the 1968 crop year.

CALIFORNIA

Modoc.

ILLINOIS

Bureau.	Henry.
Carroll.	Ogle.
Jo Daviess.	Stephenson.

IOWA

Adair.	Jasper.
Adams.	Jefferson.
Allamakee.	Johnson.
Audubon.	Jones.
Benton.	Keokuk.
Black Hawk.	Kossuth.
Boone.	Lee.
Bremer.	Linn.
Buchanan.	Louisa.
Buena Vista.	Lyon.
Butler.	Madison.
Calhoun.	Mahaska.
Carroll.	Marion.
Cass.	Marshall.
Cedar.	Mills.
Cerro Gordo.	Mitchell.
Cherokee.	Monona.
Chickasaw.	Montgomery.
Clarke.	Muscatine.
Clay.	O'Brien.
Clayton.	Osceola.
Clinton.	Page.
Crawford.	Palo Alto.
Dallas.	Plymouth.
Delaware.	Pocahontas.
Des Moines.	Polk.
Dickinson.	Pottawattamie.
Dubuque.	Poweshiek.
Emmet.	Sac.
Fayette.	Scott.
Floyd.	Shelby.
Franklin.	Sioux.
Fremont.	Story.
Greene.	Tama.
Grundy.	Taylor.
Guthrie.	Union.
Hamilton.	Wapello.
Hancock.	Warren.
Hardin.	Washington.
Harrison.	Webster.
Henry.	Winnebago.
Howard.	Winneshiek.
Humboldt.	Woodbury.
Ida.	Worth.
Iowa.	Wright.
Jackson.	

MICHIGAN

Gratiot.	Jackson.
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MINNESOTA

Becker.	Goodhue.
Big Stone.	Grant.
Blue Earth.	Houston.
Brown.	Jackson.
Carver.	Kandiyohi.
Chippewa.	Kittson.
Clay.	Lac Qui Parle.
Cottonwood.	Le Sueur.
Dakota.	Lincoln.
Dodge.	Lyon.
Douglas.	McLeod.
Faribault.	Marshall.
Fillmore.	Martin.
Freeborn.	Meeker.

MINNESOTA—Continued

Mower.	Scott.
Murray.	Sibley.
Nicollet.	Stearns.
Nobles.	Steele.
Norman.	Stevens.
Olmsted.	Swift.
Otter Tail.	Todd.
Pennington.	Traverse.
Pipestone.	Wabasha.
Polk.	Waseca.
Pope.	Washington.
Red Lake.	Watonswan.
Redwood.	Wilkin.
Renville.	Winona.
Rice.	Wright.
Rock.	Yellow Medicine.

NORTH DAKOTA

Barnes.	Nelson.
Benson.	Pembina.
Burlingh.	Pierce.
Cass.	Ramsey.
Cavaller.	Ransom.
Dickey.	Richland.
Eddy.	Sargent.
Foster.	Stark.
Grand Forks.	Steele.
Griggs.	Stutsman.
Kidder.	Towner.
La Moure.	Trall.
Logan.	Walsh.
Morton.	

OREGON

Klamath.

PENNSYLVANIA

Chester.	Dauphin.
Cumberland.	

SOUTH DAKOTA

Aurora.	Hanson.
Beadle.	Hutchinson.
Bon Homme.	Kingsbury.
Brookings.	Lake.
Brown.	Lincoln.
Charles Mix.	McCook.
Clark.	Marshall.
Clay.	Miner.
Codington.	Minnehaha.
Davison.	Moody.
Dey.	Roberts.
Deuel.	Spink.
Douglas.	Turner.
Grant.	Union.
Hamlin.	Yankton.

WISCONSIN

Barron.	Kenosha.
Buffalo.	La Crosse.
Clark.	Lafayette.
Columbia.	Pepin.
Crawford.	Pierce.
Dane.	Racine.
Dodge.	Richland.
Dunn.	Rock.
Fond du Lac.	St. Croix.
Grant.	Sauk.
Green.	Trempealeau.
Iowa.	Vernon.
Jackson.	Walworth.
Jefferson.	Waukesha.

WYOMING

Big Horn.	Washakie.
Park.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[P.R. Doc. 67-11963; Filed, Oct. 10, 1967; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1968 crop year.

IDAHO

Nez Perce.

OREGON

Umatilla. Union.

WISCONSIN

Columbia. Dodge.
Dane. Fond du Lac.

MINNESOTA

Blue Earth. Faribault.
Brown. Martin.
Dakota.

WASHINGTON

Columbia. Whitman.
Walla Walla.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[P.R. Doc. 67-11966; Filed, Oct. 10, 1967; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for pea (dry) crop insurance for the 1968 crop year.

IDAHO

Benewah. Lewis.
Kootenai. Nez Perce.
Latah.

OREGON

Umatilla. Union.

WASHINGTON

Adams. Spokane.
Columbia. Walla Walla.
Franklin. Whitman.
Grant.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[P.R. Doc. 67-11967; Filed, Oct. 10, 1967; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1968 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour—Runner.	Geneva—Runner.
Coffee—Runner.	Henry—Runner.
Covington—Runner.	Houston—Runner.
Crenshaw—Runner.	Pike—Runner.
Dale—Runner.	

FLORIDA

Jackson—Runner, Spanish, Virginia.

GEORGIA

Baker—Runner.	Thomas—Runner.
Spanish, Virginia.	Spanish, Virginia.
Ben Hill—Runner.	Tift—Runner.
Spanish, Virginia.	Spanish, Virginia.
Bulloch—Runner.	Turner—Runner.
Spanish, Virginia.	Spanish, Virginia.
Calhoun—Runner.	Worth—Runner.
Spanish, Virginia.	Spanish, Virginia.
Clay—Runner.	Decatur—Runner.
Spanish, Virginia.	Spanish, Virginia.
Coffee—Runner.	Dooly—Runner.
Spanish, Virginia.	Spanish, Virginia.
Colquitt—Runner.	Early—Runner.
Spanish, Virginia.	Spanish, Virginia.
Cook—Runner.	Irwin—Runner.
Spanish, Virginia.	Spanish, Virginia.
Crisp—Runner.	Lee—Runner.
Spanish, Virginia.	Spanish, Virginia.
Randolph—Runner.	Miller—Runner.
Spanish, Virginia.	Spanish, Virginia.
Sumter—Runner.	Mitchell—Runner.
Spanish, Virginia.	Spanish, Virginia.
Terrell—Runner.	
Spanish, Virginia.	

NORTH CAROLINA

Bertie—Virginia.	Hertford—Virginia.
Bladen—Virginia.	Martin—Virginia.
Chowan—Virginia.	Northampton—Virginia.
Edgecombe—Virginia.	Pitt—Virginia.
Gates—Virginia.	Washington—Virginia.
Halifax—Virginia.	

OKLAHOMA

Caddo—Spanish. Grady—Spanish.

VIRGINIA

Dinwiddie—Virginia.	Prince George—Virginia.
Greensville—Virginia.	Southampton—Virginia.
Ile of Wight—Virginia.	Surry—Virginia.
Nansemond—Virginia.	Sussex—Virginia.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,

Manager,

Federal Crop Insurance Corporation.

[P.R. Doc. 67-11969; Filed, Oct. 10, 1967; 8:47 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR POTATO CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties have been designated for potato crop insurance for the 1968 crop year.

	ALABAMA	
Baldwin.		
	CALIFORNIA	
Modoc.		
	IDAHO	
Bannock.	Jefferson.	
Bingham.	Minidoka.	
Bonneville.	Owyhee.	
Canyon.	Power.	
Cassia.	Twin Falls.	
	OREGON	
Jefferson.	Malheur.	
Klamath.		
	WASHINGTON	
Adams.	Grant.	
Franklin.		

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL]

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 67-11970; Filed, Oct. 10, 1967; 8:47 a.m.]

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

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 863.19]

PART 863—SUGARCANE; FLORIDA

Fair and Reasonable Wage Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Belle Glade, Fla., on June 20, 1967, the following determination is hereby issued:

§ 863.19 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida.

(a) *Requirements.* A producer of sugarcane in Florida shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work, as provided in paragraph (b) of this section, shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor, at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal leg-

islative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 23, 1967, and shall remain in effect until amended, superseded, or terminated:

	Class of worker	Rate per hour
(a)	Tractor drivers and principal operators of mechanical harvesting and loading equipment.....	\$1.65
(b)	All other workers, including those employed to assist in the operation of mechanical harvesting and loading equipment such as harvester cutter blade operators.....	1.45

(i) *Workers between 14 and 16 years of age and full-time students when employed on a time basis.* For workers 14 and 15 years of age and, where the Secretary of Labor has by certificate or order provided for the employment of full-time students 14 years of age or older on a part-time basis (not to exceed 20 hours in any workweek during the time school is in session) or on a part-time or full-time basis during school vacations, the rate shall be not less than 85 percent of the applicable hourly rate for the class of worker prescribed in subdivision (i) of this subparagraph. (The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(ii) *Apprentice operators of tractors and mechanical harvesting and loading equipment when employed on a time basis.* (a) The hourly wage rate for a learner or apprentice, who is being trained as a tractor driver or the principal operator of mechanical harvesting or loading equipment, shall be not less than \$1.45. The training period for such workers shall not exceed 6 workweeks.

(b) The producer shall file with the State Agricultural Stabilization and Conservation Office, 401 Southeast First Avenue, Gainesville, Fla. 32601, a certified statement containing the names of all learner or apprentice workers, the hourly rate paid to each, and the period each such worker was employed.

(iv) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Florida State employment Service to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly wage rate for the class of worker prescribed in subdivision (i) of this subparagraph.

(v) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate for the class of worker prescribed in subdivi-

sions (i), (ii), (iii), or (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Applicability of wage requirements.* The wage requirements of this section apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar, harvested for seed, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by a prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this section for the work performed; independent contractors and members of their immediate families; or workers performing services which are indirectly connected with

the production, cultivation, or harvesting of sugarcane, including, but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Payment of wages.* Workers shall be paid in cash for all work performed. Deductions from cash payments are permitted and may be made for advances to workers made in cash; the cash value of supplies furnished; meals, lodging, and transportation which the producer agreed to furnish for a stated amount; voluntary deductions for group hospitalization, medical plans, or insurance programs to pay costs which the producer did not agree to pay; and mandatory deductions such as taxes or social security contributions. Payments made to a labor contractor, supervisor, or labor trainer, or the cost of meals, lodging, transportation, and insurance covering injury or illness resulting from employment, any or all of which the producer agreed to furnish the worker free of charge, shall not be deducted from cash wages due the worker. When any deductions are made, the producer shall include with the cash payment to the worker a statement showing total wage due and agreed-upon value of each deduction made.

(d) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of three years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this section. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this section have been met.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local county Agricultural Stabilization and Conservation committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU-191, entitled "Claim Against Producer for Unpaid Wages," within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and Forms SU-191 are available at the local county ASCS office. Upon receipt of the wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its

recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 401 Southeast First Avenue, Gainesville, Fla. 32601, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780, Title 7 of the Code of Federal Regulations (7 CFR Part 780).

(g) *Failure to pay all wages in full.* (1) Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment, representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (i) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (ii) that either (a) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (b) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the debt record for the total amount of the unpaid wages.

(2) Except as provided in subparagraph (1) of this paragraph, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them. Or if unpaid workers cannot be located, and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

(h) *Checking compliance.* The procedures to be followed by ASCS county offices in checking compliance with the wage requirements of this section are set forth under the heading "Wage Rate Determinations in Handbook 3-SU," issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, Handbook 3-SU may be inspected at local county ASCS offices and copies may be obtained from the Florida ASCS State Office, 401 Southeast First Avenue, Gainesville, Fla. 32601.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations the Secretary shall take into consideration the standards therefor formerly established

by him under the Agricultural Adjustment Act, as amended i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that minimum wage rates on a time basis are increased 10 cents per hour—to \$1.65 for principal operators of mechanical harvesting and loading equipment and tractor drivers, and to \$1.45 for all other workers; a reduction in the minimum rates is provided for workers 14 and 15 years of age and, for full-time students 14 years of age or older where the Secretary of Labor has by certificate or order provided for the employment of such students; producers are permitted to employ at the unskilled worker minimum rate during a specified period of training apprentice operators of tractors or mechanical harvesting and loading equipment; producers are required to preserve wage records for a period of 3 years instead of 2 years; and provisions are added concerning previously issued interpretations and explanations of the wage requirements.

At the public hearing held in Belle Glade, Fla., on June 20, 1967, interested persons were afforded the opportunity to present testimony and recommendations as to whether the wage rates established for Florida sugarcane fieldworkers in the determination which became effective November 14, 1966, continue to be fair and reasonable under existing circumstances, or whether such determination should be amended.

Testimony was presented by producer-processors, independent and cooperative producers of sugarcane, and representatives of workers. Representatives of producers recommended adoption of a single minimum wage rate, such as that contained in the Fair Labor Standards Act, and that such rate be set at the present determination minimum rate for unskilled workers; i.e., \$1.35 per hour. In support of their recommendations, producer witnesses testified that competition for skilled equipment operators is such that a minimum is not needed to protect the earnings of these workers, and that under the present provisions of the determination an inexperienced man must be paid the same rate as an experienced operator as soon as he is assigned the task of operating a tractor or a mechanical harvester or loader. Producer representatives also testified that the adoption of a single minimum rate would allow employers needed flexibility in establishing a rate structure rewarding skilled workers with proven ability while providing an incentive for the less skilled. Representatives of workers generally recommended that the minimum wage be increased immediately to \$2 per hour, and that piecework rates be set in such manner as to yield 125 percent of the minimum. One witness recommended that the wage differential between skilled and unskilled workers be narrowed, perhaps by use of a sliding scale of rates such as that used in Louisiana; that the allowable rate reduction for

workers 14 to 16 years of age and for handicapped workers be reduced from 25 percent to 10 percent; and that a training program for operators of mechanical equipment be established, preferably under governmental supervision. Another witness recommended that the use of foreign cane cutters be discontinued. In support of their recommendations, worker representatives testified that higher wage rates are needed to induce domestic workers to cut cane, and that the average farm worker in the Belle Glade area earns only about \$2,000 in annual income, while many earn less than \$900 annually.

Consideration has been given to the testimony presented at the public hearing, to the standards generally considered in wage determinations, to the return, costs, and profits of producing sugarcane obtained by survey for a recent crop and recast in terms of conditions likely to prevail for the 1967-68 crop, and to other pertinent factors.

Although sugarcane production for some of the new independent producers, who for the most part are operating on land that is less productive and more susceptible to freeze damage, has not been profitable for 2 of the last 3 years, sugarcane production remains profitable for the average Florida producer. The 1966-crop was profitable on average, and present conditions point to another good crop this year indicating a favorable overall profit position for producers. Consideration of all relevant factors indicate that the minimum wage rates established in this determination are fair and reasonable and are within the producers' ability to pay.

The unskilled labor force in Florida canefields is composed of workers imported from the British West Indies, and is employed primarily to cut sugarcane by hand. Increased minimum wage rates and intensive recruitment efforts have not induced domestic workers to accept employment in the unskilled hand cutting cane operations.

Almost all unskilled hand labor is performed at piecework rates. Reports available to the Department indicate that such workers earned about \$1.60 per hour, on average, during the 1966-67 crop as compared to \$0.92 for the 1960-61 crop, an increase of about 74 percent during this period.

Skilled and semiskilled workers are drawn from the local domestic labor force and are customarily employed on a year-round basis at hourly wage rates. Such workers are primarily operators of mechanical harvesting or loading equipment, or tractor drivers, tasks which require more skill and experience of the workers than is required of the average general farm laborer. Evidence available to the Department indicates that skilled machine operators were employed at rates ranging from \$1.55 to \$1.75 per hour, depending on skill and experience, during the 1966-67 crop year.

The recommendation of representatives of both producers and workers that a trainee or apprentice program be established to encourage unskilled workers to acquire training and experience in the

operation of tractors and harvesting machinery has been adopted, thereby enhancing the employment and earnings potential of such workers. The training period for apprentice workers may not exceed 6 workweeks and the producer is required to furnish the ASCS State office a statement regarding the details of employment of these workers.

The period that producers are required to keep and preserve wage records as evidence of compliance has been increased from 2 years to 3 in order to conform to regulations issued pursuant to the Fair Labor Standards Act.

Provision is made for the employment at reduced rates, 85 percent of the basic minimums, of workers 14 and 15 years of age, and for full-time students 14 years of age or older if in accordance with the provisions of the Fair Labor Standards Act the Secretary of Labor has by certificate or order provided for the employment of students on such terms. Employers desiring to hire student workers should contact the nearest office of the Wage and Hour and Public Contracts Division of the U.S. Department of Labor. The provision of the prior determination permitting the employment at reduced rates of handicapped workers has been retained without change.

Although this determination is issued on a continuing basis, and will remain in effect until amended or terminated, the Department will keep the wage situation under review and will conduct such investigations and hold such hearings as may be necessary.

Accordingly, I find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1132.)

(The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

Effective date: This determination shall become effective on October 23, 1967.

Signed at Washington, D.C., on October 5, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 67-12015; Filed, Oct. 10, 1967; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1967-Crop Soybean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967-Crop Soybean Loan and Purchase Program

SUPPORT RATES, PREMIUMS AND DISCOUNTS

The regulations issued by the Commodity Credit Corporation containing

provisions for price support loans and purchases for the 1967 crop of soybeans, 32 F.R. 12046, are amended as follows to establish a basic support rate for the counties of Hawaii:

1. Section 1421.2974(a) is amended by inserting the following between the headings "Georgia" and "Illinois":

§ 1421.2974 Support rates, premiums and discounts.

(a) Basic county support rates.

HAWAII	
County	Rate per bushel
All counties	\$2.25

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 203, 301, 401, 63 Stat. 1054; 7 U.S.C. 1446(d), 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 5, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-11952; Filed, Oct. 10, 1967; 8:46 a.m.]

[Amdt. 1]

PART 1424—AGRICULTURAL COMMODITIES, BULK OILS

Subpart—Standards for Approval of Warehouses for Bulk Oils

BASIC STANDARDS

On January 5, 1967, there was published in the FEDERAL REGISTER (32 F.R. 43) Standards for Approval of Warehouses for Bulk Oil. Paragraph (d) (6) of § 1424.2 of such standards, which relates to the load out time for such commodity, is hereby amended to read as follows:

§ 1424.2 Basic standards.

(d) * * *

(6) Have adequate equipment to assure that, within approximately seventy-five (75) working days, the quantity of oil for which the warehouse is or may be approved can be loaded out.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 5, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-12018; Filed, Oct. 10, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-74]

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

Alteration of Federal Airway

On July 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 9706) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a south alternate to V-12 to serve the Jefferson City, Mo., Airport.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., December 7, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009, 7589) is amended as follows:

In V-12 "12 AGL Maryland Heights, Mo.;" is deleted and "12 AGL Maryland Heights, Mo., including a 12 AGL S alternate from INT Macon, Mo., 202° and Columbia 273° radials to INT Hallsville, Mo., 134° and Columbia 102° radials via Jefferson City, Mo.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on September 29, 1967.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-11946; Filed, Oct. 10, 1967; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1252]

PART 13—PROHIBITED TRADE PRACTICES

Rexall Drug and Chemical Co.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Consent order, Rexall Drug and Chemical Co., Los Angeles, Calif., Docket C-1252, Sept. 11, 1967]

In the Matter of Rexall Drug and Chemical Co. a Corporation

Consent order requiring a major drug and chemical company with headquarters in Los Angeles, to divest itself within 2 years of all its domestic interests in the plastic bottle operations of a container corporation, and to refrain from acquiring any interest in this field for the next 10 years without prior approval of the Commission.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered.* That respondent, Rexall Drug and Chemical Co. ("Rexall"), a corporation, within two (2) years from the effective date of this order, shall cause to be divested, absolutely and in good faith, to a purchaser or purchasers (such purchaser or purchasers being hereinafter called "Purchaser") approved by the Federal Trade Commission ("Commission") all of its interest, direct or indirect, in any assets, properties, rights and privileges, tangible or intangible, including, but not limited to, all plants, equipment, patents, trade names, trademarks, customer lists, and goodwill, forming part of the Imco Container Co., Division of Consolidated Thermoplastics Co. ("Imco") and used in the manufacture or sale in the United States of thermoplastic bottles and thermoplastic accessories to such bottles, such as closure, plugs and overcaps (such assets and other interests set forth above being hereinafter called "the Assets"): *Provided*, That such divestiture shall be in good faith to a Purchaser who, insofar as Rexall can reasonably determine, will operate such Assets as a going concern engaged in such thermoplastic bottle business: *Provided, further*, That nothing in this order shall preclude such divestiture to El Paso Products Co.; *And provided, further*, That Rexall shall cause to be divested the entire Imco division within the aforesaid 2-year period if such action is necessary to effectuate the divestiture of its interest in Imco as required by this order.

II. *It is further ordered.* That, pending divestiture, Rexall shall not make or permit any deterioration of the Assets which may substantially impair present manufacturing capacity unless such capacity is restored prior to the divestiture: *Provided, however*, That nothing herein shall prevent Rexall, pending divestiture, from the exercise of good faith business judgment with respect to the operation and management of the Assets.

III. If the consideration received for the divestiture required to be made pursuant to this order is not entirely cash, nothing in this order shall be deemed to prohibit Rexall or any of its subsidiaries from accepting and enforcing a lien, mortgage, pledge, deed of trust or other security interest for the purpose of securing to Rexall full payment of the price, with interest, received by Rexall in connection with the divestiture; but if after bona fide divestiture including any disposal of any of the Assets, in accordance with the provisions of this order,

Rexall, by enforcement of such security interest regains direct or indirect ownership or control of any substantial portion of the Assets, said ownership or control regained shall be redvested subject to the provisions of this order, within such reasonable period as is granted by the Commission for this purpose.

IV. If complete divestiture pursuant to paragraph I above shall not have been accomplished as required by said paragraph within the time therein provided or if the grant of license required by paragraph VII below shall not have been accomplished within the time therein provided or any extension of said periods which the Commission may grant, Rexall, upon its showing of good faith efforts to comply with the requirements of this order, shall be heard by the Commission before the Commission issues any further order other than an order extending the time for compliance with this order.

V. *It is further ordered*, That Rexall shall not be required by this order to sell, license or in any way convey any rights to its trademarks and trade names "Rexall" and "Rexpak"; nor shall Rexall be required to sell, license, or in any way convey any rights to any of its other trademarks or trade names except rights to trademarks and trade names now used by Imco in the United States.

VI. *It is further ordered*, That for a period of ten (10) years after the effective date of this order, Rexall shall cease and desist from acquiring, directly or indirectly, through subsidiaries, joint ventures or otherwise, the whole or any part of the share capital, or assets (other than products, machinery or equipment purchased in the ordinary course of business) of, or any other interest in, any domestic concern, corporate or noncorporate, engaged principally or as one of its major commodity lines at the time of such acquisition, in the United States, in the business of manufacturing glass containers, plastic containers or plastic coated containers, without the prior approval of the Commission. For the purposes of this order, "containers" shall only include closeable bottles, jars, jugs, vials, cartons for milk and other beverages, and squeeze tubes.

VII. *It is further ordered*, That Rexall shall grant a license on all of its United States patents, patents pending and related know-how at the time of the granting of such license used in the production of flexible plastic squeeze tubes (hereinafter referred to as "tubes") to a firm approved and/or chosen by the Federal Trade Commission within five (5) years from the effective date of this order, on terms which are reasonable, and that Rexall shall agree with such licensee to furnish whatever reasonable technical assistance may be required in connection with the startup of production of tubes at a cost to licensee equal to Rexall's out-of-pocket expenses.

VIII. *It is further ordered*, That (1) Rexall shall, promptly upon service of his order, initiate bona fide efforts and take all necessary steps toward the accomplishment of the divestiture required

by this order; and shall continue such efforts until the divestiture required by this order has been completed; and (2) within thirty (30) days from the effective date of this order, and every sixty (60) days thereafter until the divestiture required by paragraph I of this order has been completed, Rexall shall submit in writing to the Federal Trade Commission its plans for effecting such divestiture and the action it has taken in implementation thereof, including, in addition to such other information as may be required, (a) the name, address, and official capacity of the individual or individuals designated to carry out such divestiture and to negotiate with interested parties, (b) a brochure, presentation or other writing containing all of the essential information necessary to permit an interested party to evaluate the business to be divested, (c) a summary of any efforts made and to be made in advertising and affirmatively announcing the availability of the business to be divested, (d) a summary of any efforts made to locate and interest prospective purchasers not previously engaged in the industry, (e) a summary of contracts and negotiations relating to the sale of facilities ordered to be divested, including the identities of any party or parties expressing interest in the acquisition of the business to be divested, (f) copies of all written communications pertaining to negotiations, solicitations of bids, offers to buy or indications of interest in the acquisition of the whole or any part of the business to be divested, and (g) copies of all agreements and forms of agreement relating directly or indirectly to the proposed sale of the business to be divested. Rexall shall, within thirty (30) days from the effective date of this order, and annually thereafter until it has fully complied with the provisions of sections VI and VII of this order, file with the Commission a report setting forth in detail the manner and form in which it intends to comply, is complying, or has complied with said sections.

Issued: September 11, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 67-11936; Filed, Oct. 10, 1967;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-238]

PART 1—GENERAL PROVISIONS

Customs Agency Service

The following change is being made in the organization of the Customs Agency Service: Jurisdiction of investigations in an area in the Dominion of Canada lying between 81° W. longitude and 117° W. longitude, presently under the jurisdiction of the Customs Agent in Charge, Chicago, Ill., is being divided between

the Customs Agents in Charge at Detroit, Mich., and Duluth, Minn. To effect this change the table in § 1.5 of the Customs Regulations is amended as follows:

In Customs Agency Service Region 4 make the following changes in the column headed "Geographical jurisdiction":

1. The geographical jurisdiction of the Customs Agent in Charge, Chicago, is amended by deleting therefrom "and that part of the Dominion of Canada lying between 81° W. longitude and 117° W. longitude."

2. The geographical jurisdiction of the Customs Agent in Charge, Detroit, is amended to read: "The State of Michigan except that part lying west of Route 41 extending from Escanaba to Marquette; and that part of the Dominion of Canada lying between 81° W. longitude and 87° W. longitude."

3. The geographical jurisdiction of the Customs Agent in Charge, Duluth, is amended to read: "The States of North and South Dakota, Idaho, Montana, and Wyoming; that part of the State of Michigan lying west of Route 41 extending from Escanaba to Marquette; that part of the State of Minnesota lying north of U.S. 14 including all cities on that highway; that part of the State of Wisconsin lying north of U.S. 10 including all cities on that highway; and that part of the Dominion of Canada lying between 87° W. longitude and 117° W. longitude."

(R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

These amendments shall become effective upon publication in the FEDERAL REGISTER.

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

Approved: October 3, 1967.

TRUE DAVIS,
Assistant Secretary
of the Treasury.

[P.R. Doc. 67-12013; Filed, Oct. 10, 1967;
8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Aminopyrine or Dipyrone Drug Preparations for Human Use; Directions and Warnings

In the FEDERAL REGISTER of November 17, 1964 (29 F.R. 15364), the Food and Drug Administration published a statement of policy, § 3.44, concerning aminopyrine and dipyrone preparations intended for human use. It was announced in § 3.44 that continued marketing would be permitted for such preparations under labeling and advertising

complying therewith provided that satisfactory new-drug applications were submitted within 90 days from the statement's publication in the FEDERAL REGISTER. Thereafter, a number of new-drug applications were submitted for dipyrone preparations, and some have been approved. No applications were submitted for aminopyrine preparations, and thus none have been approved.

The Commissioner of Food and Drugs concludes that ample opportunity to obtain an approved new-drug application has been afforded to anyone desiring to continue marketing aminopyrine or dipyrone drug preparations for human use, and that § 3.44 should be amended to revoke the transitional provision allowing continued marketing of such preparations without an approved new-drug application.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (f), (j), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352 (f), (j), 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 3.44(d) is amended by revoking subparagraph (7) and by revising subparagraphs (5) and (6) to read as follows:

§ 3.44 Aminopyrine or dipyrone drug preparations for human use; directions and warnings.

(d) * * *

(5) A new-drug application will be regarded as approvable if it contains satisfactory information of the kinds required by items 4, 5, 6, 7, and 8 of the new-drug application form set forth in § 130.4(c) (2) of this chapter.

(6) Regulatory proceedings may be initiated with regard to the interstate shipment of any such preparations for which a new-drug application is not approved or which is labeled or advertised contrary to the labeling approved in such application consistent with this statement of policy.

Effective date. This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER.

(Secs. 502 (f), (j), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352 (f), (j), 371(a))

Dated: October 3, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-11990; Filed, Oct. 10, 1967; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Nafcillin Monohydrate for Oral Solution

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated

by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 146a.121(c) is amended to read as follows to provide for extensions of the maximum expiration date for the subject antibiotic drug:

§ 146a.121 Sodium nafcillin monohydrate for oral solution.

(c) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter. Its expiration date is 12 months.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the change provided for by this amendment cannot be applied to any specific product unless its manufacture has supplied adequate data regarding that article.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 4, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-11989; Filed, Oct. 10, 1967; 8:48 a.m.]

Title 43—PUBLIC LANDS:
INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4289]

[Oregon 011495]

OREGON

Withdrawal for Proposed Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, and national forest lands, which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the proposed Illinois Valley Division, Rogue River Basin Project:

WILLAMETTE MERIDIAN
SISKIYOU NATIONAL FOREST

T. 39 S., R. 6 W.,
Sec. 29, SW ¼;
Sec. 30, lots 2, 4, SE ¼ SW ¼, S ½ SE ¼;
Sec. 31, lots 1, 2, 3, 4, NE ¼, E ½ NW ¼.
T. 40 S., R. 6 W.,
Sec. 6, lots 4 and 5.

PUBLIC DOMAIN

T. 40 S., R. 7 W.,
Sec. 1, S ½ lot 1, lot 2, lot 3, SW ¼ NE ¼,
SE ¼ NW ¼, less land patented in M.S.
930, NE ¼ SW ¼.

T. 39 S., R. 8 W.,
Sec. 24, SE ¼ SE ¼ SE ¼.

T. 40 S., R. 8 W.,
Sec. 10, SW ¼ SW ¼;
Sec. 15, NW ¼ NW ¼ NW ¼;
Sec. 22, E ½ NW ¼ NE ¼.

The areas described aggregate 1,229.39 acres in Josephine County.

2. The use and administration of the lands affected by this order will become subject to the provisions of the reclamation laws (act of June 17, 1902, supra, as amended and supplemented), including the use of the lands under lease, license, or permit, at such time as the Illinois Valley Division of the Rogue River Basin Project is authorized by the Congress.

3. Pending authorization of the project, this withdrawal does not alter the applicability of the public land laws governing the use of the public and/or national forest lands under lease, license, or permit, or the disposal of their mineral or vegetative resources other than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purpose for which the lands are withdrawn.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 5, 1967.

[F.R. Doc. 67-11938; Filed, Oct. 10, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 35—TORT CLAIMS AGAINST THE GOVERNMENT

Pursuant to and in accordance with section 2672 of Title 28, United States Code, as amended by section 1(a) of the Act of July 18, 1966 (Public Law 89-506; 80 Stat. 306), and Title 28, Chapter I, Part 14 of the Code of Federal Regulations (31 F.R. 16616), Part 35 of Title 45 of the Code of Federal Regulations is amended to read as follows:

- | | |
|-----------------------------|--|
| Subpart A—General | |
| Sec.
35.1 | Scope of regulations. |
| Subpart B—Procedures | |
| 35.2 | Administrative claim; when presented; place of filing. |
| 35.3 | Administrative claim; who may file. |
| 35.4 | Administrative claims; evidence and information to be submitted. |
| 35.5 | Investigation, examination, and determination of claims. |
| 35.6 | Final denial of claim. |
| 35.7 | Payment of approved claims. |
| 35.8 | Release. |
| 35.9 | Penalties. |
| 35.10 | Limitation on Department's authority. |

AUTHORITY: The provisions of this Part 35 issued under sec. 1(a), 80 Stat. 306, 28 U.S.C. 2672; 28 CFR Part 14.

Subpart A—General

§ 35.1 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. sections 2671-2680, accruing on or after January 18, 1967, for money damages against the United States for damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Department of Health, Education, and Welfare while acting within the scope of his office or employment.

Subpart B—Procedures

§ 35.2 Administrative claim; when presented; place of filing.

(a) For purposes of the regulations in this part, a claim shall be deemed to have been presented when the Department of Health, Education, and Welfare receives, at a place designated in paragraph (b) of this section, an executed Standard Form 95 or other written notification of an incident accompanied by a claim for money damages in a sum certain for damage to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to the Department but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to be presented to the Department as of the date that the claim is received by the Department. A claim mistakenly addressed to or filed with the Department shall forthwith be transferred to the appropriate Federal agency, if ascertainable, or returned to the claimant.

(b) Forms may be obtained and claims may be filed with the office, local, regional, or headquarters, of the constituent organization having jurisdiction over the employee involved in the accident or incident, or with the Department of Health, Education, and Welfare Claims Officer, Washington, D.C. 20201.

§ 35.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable state law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the in-

surer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 35.4 Administrative claims; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payments for such expenses.

(7) If damages for pain and suffering prior to death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed or designated by the Department or the constituent organization. A copy of the report of the examining physician shall be made available to the claimant upon the claim-

ant's written request provided that claimant has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Department or the operating agency any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected duration of and expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for damage to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, market value of the property as of date of damage, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing either on the responsibility of the United States for the injury to or loss of property or the damages claimed.

(d) *Time limit.* All evidence required to be submitted by this section shall be furnished by the claimant within a reasonable time. Failure of a claimant to furnish evidence necessary to a determination of his claim within three months after a request therefor has been mailed to his last known address may be deemed an abandonment of the claim. The claim may be thereupon disallowed.

§ 35.5 Investigation, examination, and determination of claims.

When a claim is received, the constituent agency out of whose activities the claim arose shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, and a recommendation based on the merits of the case, with regard to allowance or disallowance of the claim, to the

Department Claims Officer to whom authority has been delegated to adjust, determine, compromise and settle all claims hereunder.

§ 35.6 Final denial of claim.

Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Department's action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 35.7 Payment of approved claims.

(a) Upon allowance of his claim, claimant or his duly authorized agent shall sign the voucher for payment, Standard Form 1145, before payment is made.

(b) When the claimant is represented by an attorney, the voucher for payment (SF 1145) shall designate both the claimant and his attorney as "payees." The check shall be delivered to the attorney whose address shall appear on the voucher.

§ 35.8 Release.

Acceptance by the claimant, his agent or legal representative, of any award, compromise or settlement made hereunder, shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

§ 35.9 Penalties.

A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than \$10,000 or to imprisonment of not more than 5 years, or both (18 U.S.C. 287-1001), and, in addition, to a forfeiture of \$2,000 and a penalty of double the loss or damage sustained by the United States (31 U.S.C. 231).

§ 35.10 Limitation on Department's authority.

(a) An award, compromise or settlement of a claim hereunder in excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For the purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised or settled hereunder only after consultation with the Department of Justice when, in the opinion of the Department:

- (1) A new precedent or a new point of law is involved; or
- (2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Department is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed \$25,000.

(c) An administrative claim may be adjusted, determined, compromised or settled only after consultation with the Department of Justice when it is learned that the United States or an employee, agent or cost plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

Dated: October 5, 1967.

BERNARD FEINER,
Acting Department Claims Officer.
[P.R. Doc. 67-11991; Filed, Oct. 10, 1967;
8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Lower Klamath National Wildlife Refuge, California and Oregon

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

CALIFORNIA AND OREGON

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, geese, and gallinules on Lower Klamath National Wildlife Refuge, California and Oregon, is permitted from October 10, 1967, through January 7, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 6,526 acres, is delineated on maps available at refuge headquarters, Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, Calif. 96134, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg., 97208.

Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

- (1) Blinds in designated pass shooting areas may be constructed only at locations staked and appropriately posted by the officer in charge. Hunting

in areas so staked and posted is permitted only at staked blind sites.

(2) A 100-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(3) Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

(4) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left one hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., sec. 484m) and regulations issued thereunder.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1968.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 27, 1967.

[P.R. Doc. 67-11937; Filed, Oct. 10, 1967;
8:45 a.m.]

PART 32—HUNTING

Havasu Lake National Wildlife Refuge, Ariz.

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

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

ARIZONA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Public hunting of bighorn sheep on the Havasu Lake National Wildlife Refuge, Ariz., is permitted from November 25 through December 10, 1967, inclusive, but only in the Arizona portion designated as open to hunting. This open area, comprising 6,600 acres, is delineated on maps available at refuge headquarters, Needles, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State and

Federal regulations governing the hunting of bighorn sheep subject to the following special condition:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1967.

WILLIAM T. KRUMMES,
Regional Director,
Albuquerque, N. Mex.

OCTOBER 3, 1967.

[F.R. Doc. 67-11950; Filed, Oct. 10, 1967;
8:46 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

[CGFR 67-72]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Rates for Great Lakes Pilotage Services

The purpose of this amendment is to adjust the rates for Great Lakes pilotage prescribed in Part 401 to conform to the rates contained in the Memorandum of Arrangements on Great Lakes Pilotage between the United States and Canada, as amended October 6, 1967.

On September 6, 1967, the U.S. Coast Guard published a notice of proposed rule making in the FEDERAL REGISTER (32 F.R. 13079) regarding changes in these rates. This notice was issued in response to requests for changes in the rates received from the St. Lawrence Seaway Pilots Association and the Great Lakes Advisory Association. A public hearing was held on the notice in Cleveland, Ohio, on September 21, 1967, the closing date for the receipt of comments on the notice of proposed rule making. This hearing provided an additional opportunity for all interested persons to present their views and arguments, orally and in writing, on the notice and to present additional facts supporting those views and arguments. At the conclusion of the hearing, the Presiding Officer extended a further opportunity to all persons attending the hearing to submit any supplemental written material they desired, with the express request that this material be submitted as soon as possible in order to facilitate a timely decision on the proposals contained in the notice.

After full consideration of the proposals and all the views, arguments, and materials received, representatives of the United States entered into discussions with representatives of Canada with the objective of revising the present pilotage rates as contained in the Memorandum of Arrangements of June 29, 1966, between the respective countries.

As a result of these discussions, the Memorandum of Arrangements was amended on October 6, 1967, in order to prescribe new pilotage rates to be made effective October 12, 1967, by regulations issued by the respective countries.

The present pilotage system and rate structure remain basically as established by the original Memorandum of Arrangements on Great Lakes Pilotage entered into by the United States and Canada in 1961. Since that time, with the introduction of newer and larger ships with more sophisticated navigational equipment and appreciably altered traffic patterns, pilotage requirements in those waters governed by the agreement have changed considerably.

The proposals submitted by the St. Lawrence Seaway Pilots Association and the Great Lakes Advisory Association, the views received on these proposals from the shipping industry, and the intergovernmental discussions have raised questions concerning the present pilotage system and pilotage rate structure. These questions warrant the initiation of a thorough review of the present system and structure.

Accordingly, the United States and Canada have initiated an overall review of the present pilotage system and its rate structure. This review is planned for completion in sufficient time to allow any necessary changes in the intergovernmental agreement to be accomplished before the beginning of the 1968 Great Lakes shipping season. All interested persons will be afforded an opportunity to participate in this review. The recommendations for changes in the system and structure received during the present rule-making proceeding will be included in the review.

Notwithstanding the need for an overall review, the United States and Canada recognized that some adjustment of the present rates is necessary and justified pending the completion of that review. Increased costs of dispatching equipment and facilities combined with a decline in pilotage assignments have produced a decrease in net revenues derived from the present rates, some of which have not been adjusted since 1961. It was also recognized that if an adjustment was to have any appreciable beneficial effect this year, it must be made effective as soon as possible. Accordingly, the respective Governments agreed to make the adjustments effective October 12, 1967.

Pursuant to 5 U.S.C. 553 I find that good cause exists for making this amendment effective in less than 30 days after publication in the FEDERAL REGISTER for the reasons set forth above and because this amendment involves a foreign affairs function.

In view of the foregoing and pursuant to the authority contained in sections 4 and 5 of the Great Lakes Pilotage Act of 1960, as amended (46 U.S.C. 216b and 216c); section 6(a)(4) of the Department of Transportation Act (49 U.S.C. 1655(a)(4)); and 49 CFR 1.5(q)(1), as amended, Part 401 of Title 46 of the Code of Federal Regulations is amended

as hereinafter set forth, effective October 12, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard
Commandant.

OCTOBER 9, 1967.

Sections 401.400, to 401.410, and 401.420 are amended to read as follows:

§ 401.400 Rates and charges on designated waters.

(a) Except as provided under § 401.420 of this subpart the following rates and charges shall be payable for all services performed by United States or Canadian Registered Pilots in the following areas of the U.S. waters of the Great Lakes described in § 401.300, pursuant to the Memorandum of Arrangements, Great Lakes Pilotage.

	Charges
(1) District No. 1.	
(i) Between Snell Lock and Cape Vincent or Kingston, whether or not undesignated waters are traversed	\$242.00
(ii) Between Snell Lock and Cardinal, Prescott, or Ogdensburg	212.00
(iii) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston, whether or not undesignated waters are traversed	176.00
(iv) For pilotage commencing or terminating at any point above Snell Lock other than those named in items (i) to (iii), \$2.42 per mile but with a minimum charge thereof of	55.00
(v) For a moorage in any harbor	55.00
(2) District No. 2.	
(i) Passage through the Welland Canal or any part thereof, \$5.50 for each mile plus \$16.50 for each lock transited but with a minimum charge thereof of and a maximum thereof of	55.00 220.00
(ii) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the District	165.00
(iii) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River	104.50
(iv) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River	104.50
(v) Between points on Lake Erie west of Southeast Shoal	55.00
(vi) Between points on the Detroit River	55.00
(vii) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District	104.50
(viii) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District	82.50
(3) District No. 3.	
(i) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario	220.00
(ii) Between the southerly limit of the District and Sault Ste. Marie, Mich., or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corp. Wharf	181.50

- (iii) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Mich.----- 82.50
- (iv) For a moorage in any harbor.... 55.00

(b) When the passage of a ship through a District is interrupted for the purpose of loading or discharging cargo or for any other reason and the services of the Registered Pilot are retained during such interruption, for the convenience of the ship, the ship shall be required to pay an additional charge of \$5.50 for each hour or part of an hour during which each interruption lasts, but with a maximum of \$82.50 for each 24-hour period of such interruption. However, no charge shall be payable for any interruption caused by ice, weather, or traffic except during the period from the 1st day of December to the 8th day of April next following.

§ 401.410 Rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the charges to be paid by a ship that has a Registered Pilot on board in the undesignated waters shall be \$55 for each 24-hour period or part thereof that the pilot is on board, plus (1) \$27.50 for each time the pilot performs the docking or undocking of the ship on entering or leaving the harbor or performs a moorage of the ship within a harbor, and (2) the travel expenses reasonably incurred by a pilot in joining the ship and returning to his base.

(b) When a Registered Pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, the charges referred to in paragraph (a) of this section are not payable unless, (1) the ship is required by law to have a Registered Pilot on board in those waters, or (2) services are performed by the pilot in those waters at the request of the master.

§ 401.420 Cancellation or delay in rendition of services.

(a) When in designated or undesignated waters the departure or the moorage of a ship for which a Registered Pilot has

been ordered is delayed for the convenience of the ship for more than 1 hour after the pilot reports for duty or after the time for which he is ordered, whichever is the later, or when a pilot is detained on board a ship for the convenience of the ship for more than 1 hour after the end of the assignment for which he was ordered, there shall be payable an additional charge of \$5.50 per hour after the first hour of such delay; but the aggregate amount of such further charges shall not exceed \$82.50 for any 24-hour period.

(b) When in designated or undesignated waters a Registered Pilot reports for duty as ordered and the order is canceled, the charges to be paid by the ship shall be (1) a cancellation charge of \$27.50, (2) if the cancellation is more than 1 hour after the pilot was ordered for, a further charge of \$5.50 for every hour or part of an hour after the first hour, except that the aggregate cancellation charge payable in any 24-hour period shall not exceed \$82.50, and (3) if the ship is in the undesignated waters, the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

[F.R. Doc. 67-12096; Filed, Oct. 10, 1967; 10:15 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-4]

PART 1—FUNCTIONS, POWERS, AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION

Delegation of Authority Regarding Rates and Charges for Great Lakes Pilotage Services

The purpose of this amendment is to limit the reservation imposed in § 1.5 (q) (1) of Part 1 of the Regulations of the Secretary of Transportation (32 F.R. 5608) on the authority delegated to the Commandant of the Coast Guard. Under that section the authority to establish or revise fees under the Great Lakes

Pilotage Act (46 U.S.C. 216c) is reserved to the Secretary of Transportation. Proposals for changes in the rates and charges for Great Lakes Pilotage Services have been received from the St. Lawrence Seaway Pilots Association of Cape Vincent, N.Y.; and from the Great Lakes Advisory Association, on behalf of the Lakes Pilots Association, Port Huron, Mich.; and Lake Superior Pilots Association, Duluth, Minn.

As a result of those proposals, a notice of proposed rule making was issued by the Commandant on September 1, 1967 (32 F.R. 12756), written data, views, and arguments on the proposals were received, and a hearing on the matter was held in Cleveland, Ohio, on September 21, 1967.

In order to vest the Commandant with the authority to complete these proceedings, this amendment delegates authority to him to issue any final rules that may be based thereon.

In consideration of the foregoing, effective October 6, 1967, § 1.5 (q) (1) of Part 1 of the Regulations of the Secretary of Transportation is amended to read as follows:

§ 1.5 Reservations of authority.

.....

(q) * * *
 (1) Establishment or revision of fees under the Great Lakes Pilotage Act (46 U.S.C. 216c), except for any final rules issued as a result of the notice of proposed rule making issued by the Commandant on September 1, 1967 (32 F.R. 12756).

This action is taken under the authority of section 9 of the Department of Transportation Act (49 U.S.C. 1657). Since the amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days publication.

Issued in Washington, D.C., on October 9, 1967.

ALAN S. BOYD,
 Secretary of Transportation.

[F.R. Doc. 67-12095; Filed, Oct. 10, 1967; 10:15 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[9 CFR Part 201]

LIVESTOCK

Purchase by Packers on Carcass Grade and/or Weight Basis; Notice of Hearing

On May 30, 1967, there was published in the FEDERAL REGISTER (32 F.R. 7858) a notice of a proposed amendment to the regulations (9 CFR 201.1 et seq.) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), dealing the purchase of livestock by packers on a carcass grade, carcass weight, or carcass grade and weight basis. The proposed amendment included a proposal (paragraph (d)) that would require that settlement and final payment for livestock purchased by a packer on a carcass weight or carcass grade and weight basis be on actual (hot) carcass weights determined before shrouding; the hooks, rollers, and gambrels or other similar equipment used at a packing establishment in connection with the weighing of carcasses of the same species of livestock be uniform in weight; and the tare weight include only the weight of such equipment. The notice afforded interested persons an opportunity to submit written data, views, or arguments concerning the proposed amendment. The time for filing such comments was extended by notices published in the FEDERAL REGISTER on June 27 and August 4, 1967 (32 F.R. 9101, 11334).

The Department's proposals have generated widespread interest throughout the livestock marketing and meat packing industries, and multitudinous comments have been received concerning the amendment. The majority of comments were directed to the proposal (paragraph (d)) that settlement be on actual (hot) carcass weights determined before shrouding and the tare weight include only the weight of the hooks, rollers, and similar equipment. It has been determined that interested persons should be afforded a further opportunity to present comments concerning proposed paragraph (d) of the amendment at an oral public hearing.

Therefore, notice is hereby given that an oral public hearing with respect to the proposed requirements contained in paragraph (d) of the proposed amendment will be held commencing at 10 a.m. on November 16, 1967, in the Grand Ball Room of the Fort Des Moines Hotel, 10th and Walnut, Des Moines, Iowa. If necessary the hearing will be continued on November 17, 1967.

Interested persons will be afforded adequate opportunity to present any

relevant views, facts, or arguments they wish to offer at the hearing. It will facilitate the hearing if persons who wish to be heard will notify the Acting Administrator, Packers and Stockyards Administration, as soon as possible to that effect, stating how long a time they would like to have to present their statements. However, any person who wishes to be heard at the hearing will be afforded opportunity to be heard, whether he has given such advance notice or not.

The hearing will be open to the public. A stenographic transcript will be made of the hearing and copies of the transcript can be obtained from the reporter by interested persons upon request and payment of the cost of such copies.

Within 10 days after the close of the hearing interested persons may file written comments in duplicate concerning this matter with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All such written comments will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

After the hearing, the Department will evaluate all relevant material presented at the hearing, filed with the Hearing Clerk within the time specified above, or otherwise in the possession of the Department and will determine what action should be taken with respect to the matter.

Done at Washington, D.C., this 5th day of October 1967.

DONALD A. CAMPBELL,
Acting Administrator, Packers
and Stockyards Administration.

[P.R. Doc. 67-12017; Filed, Oct. 10, 1967;
8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 27, 29, 43, 45, 91,
127]

[Docket No. 8444; Notice No. 67-44]

CRITICAL ROTORCRAFT COMPONENTS

Design, Maintenance, and Operation (Air Carrier and General)

The Federal Aviation Administration is considering amending Parts 21, 27, 29, 43, 45, 91, and 127 of the Federal Aviation Regulations to (1) permit rotorcraft manufacturers to adopt failsafe fatigue design practices for certain critical components on condition that related fatigue crack detection procedures and inspection intervals are approved under

the required fatigue evaluation as part of the type design and placed in a separate section of the rotorcraft maintenance manual, (2) require that the replacement times of certain critical components be similarly approved and placed in the separate section of the maintenance manual, (3) require that this section of the manual be referenced by placard in the rotorcraft, and (4) specifically require operators and maintenance personnel to comply with this section of the maintenance manual. Consistent with these proposals, this notice also proposes to amend Part 21 to require manufacturers to make certain revisions of the rotorcraft maintenance manual available to operators and proposes to amend Part 45 to require identification of certain critical components.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 10, 1968, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Background. Notice 65-42, published in the FEDERAL REGISTER (30 F.R. 16129) on December 28, 1965, proposed numerous changes to rotorcraft type certification standards. Airframe Proposal 8 of that notice proposed to allow rotorcraft manufacturers to employ a "failsafe" approach in the design of critical rotorcraft flight structure components, and to place related maintenance procedures in a separate section of the rotorcraft maintenance manual. That notice also proposed to place the replacement times of critical components in the same separate section of the manual. The preliminary explanation stated that changes to the operating rules may also be necessary. At that time it was hoped that final rule action could be taken on behalf of the manufacturers prior to amending the rules affecting operators and maintenance personnel, since the "failsafe" approach contained therein would (as more fully discussed below) allow manufacturers to depart from a strict "replacement time" design approach. However, it has since become evident that, for reasons discussed below, the maintenance assumptions underlying the fatigue substantiation of critical components are of

such importance to the safe operation of those components that final rule making under Parts 27 and 29 based on Notice 65-42 would appear to commit the FAA to the issue of maintenance and operating rule changes similar to those proposed in this notice. These rules would directly affect operators and maintenance personnel. Therefore, until public participation is obtained with respect to the operation and maintenance consequences of the type certification proposals, the final issue of the type certification fatigue substantiation standards would be premature. Further, certain clarifying changes have been made to the fatigue substantiation standards proposed under Notice 65-42 for which further notice to manufacturers should be given. Finally, it is felt that the value of this notice to all concerned will be greatest if the entire proposed regulatory effect of the failsafe concept, from design through operation and maintenance, is presented in one notice. For these reasons, the fatigue substantiation standards proposed under Notice 65-42, with certain changes, are reissued in this notice, together with the necessary regulatory effect of those standards on operators and maintenance personnel.

"Failsafe" versus "replacement time". "Critical" components are components whose failure could be catastrophic. Under current rules, critical rotorcraft components are designed under the "replacement time" concept. Under this concept, each critical component is assigned a replacement time. This replacement time is based on many factors such as fatigue tests, fatigue analysis, and service experience. No particular maintenance procedures other than normal maintenance and outright replacement are assumed in deriving the service lives. The resulting replacement times are intentionally conservative and thus result in the discarding of components long before failure is expected. When the present rules were adopted, this approach was considered necessary for all critical components since adequate failsafe design techniques for rotorcraft were not established at that time. For certain components, depending on particular design details, this is still true and a strict replacement time approach is still necessary. For such components, some sacrifice of remaining life after the established replacement time must still be accepted as necessary since the design and testing techniques that ensure that no fatigue failure will go beyond safe limits (if the conservative replacement times are exceeded) are not sufficiently developed for those components. The changes proposed herein for those components are (1) the requirement that the replacement times be approved under the fatigue evaluation and placed in a separate section of the maintenance manual, and (2) the cross referencing of this section of the manual in the maintenance and operating rules (Parts 43 and 91) so as to make those replacement times mandatory.

It is now believed that the strict "replacement time" approach may not be necessary for all critical components. Industry and government studies over recent years have indicated that design and testing techniques to ensure the detection of fatigue cracks are becoming available that can be practicably applied to certain rotorcraft components even though those components are critical. The design objective of these "failsafe" design and testing techniques is the assurance that, while fatigue cracks or partial failures from other causes may occur, no possible cracking will progress beyond safe limits prior to being detected. One advantage of this approach to manufacturers and operators would be a reduction in cost derived from not automatically discarding the component at a given replacement time. The component could instead be used until a partial failure is detected, with no compromise in safety since fatigue detection and related techniques would be developed and approved to ensure that the probability of catastrophic failure is as remote as that obtained under the strict "replacement-time" approach. A further advantage is that the "failsafe" approach should provide an incentive for manufacturers to further refine their design and failure detection techniques whereas continued use of the strict "replacement-time" approach could tend to restrict the opportunity to develop those techniques. This is because the "replacement-time" approach relies on conservative replacement times to prevent the occurrence of fatigue failure without giving sufficient credit to design practices that may be shown to prevent such failures (if they do occur) from progressing beyond specified limits before they are detected.

These advantages to both the manufacturer and operator would clearly be in the public interest. However, it is also clear that, because of the severe and complex fatigue environment of rotorcraft mentioned above, the validity of the fatigue crack detection techniques assumed for any given critical component during type certification depends upon the assurance that these techniques will be followed throughout the service history of the component. This is the only basis upon which a departure from a strict replacement time approach should be granted. Therefore, the regulatory basis for ensuring compliance with fatigue crack detection techniques in operation should be given notice for public comment before final rules allowing the use of the failsafe approach dependent upon those detection techniques can be approved and issued for manufacturers.

For certain components, available "failsafe" design and inspection techniques may justify relaxing conservative replacement times, but may not be sufficient to completely eliminate the need for a replacement time. For these components, the proposed rules would permit the manufacturers to use a combined "failsafe" and "replacement-time" approach. This would permit the use of increased replacement times for such

components, on condition that the assumed "failsafe" crack detection techniques and inspection intervals are followed in operation. To the extent that the "failsafe" method is used to extend (but not eliminate) replacement times, this combined approach offers the same advantages as the straight "failsafe" approach but is also subject to the same necessary maintenance assumptions.

Type certification. Parts 27 and 29 would be amended as follows:

1. Sections 27.401(c), 27.547(b), 27.549(e), 29.401(c), 29.547(b), and 29.549(d) would be deleted.

2. A new heading "Fatigue Evaluation" would be added following §§ 27.561 and 29.561.

3. New §§ 27.571 and 29.571 would be added to read as follows:

§ 27.571 (§ 29.571) *Fatigue evaluation of flight structure.*

(a) *General.* Each flight structure component (including rotors, controls, fuselage, and their related primary attachments) whose failure could be catastrophic, must be identified and must be evaluated under paragraph (b), (c), (d), or (e) of this section. The following apply to each fatigue evaluation:

(1) The procedure for evaluating each component must be approved.

(2) The locations of probable failure must be determined.

(3) Inflight measurement must be included in determining the following:

(i) Loads or stresses in all critical conditions throughout the range of limitations in § 27.309 (§ 29.309), or throughout the maximum range expected in operation, whichever range is less.

(ii) The effect of altitude upon these loads or stresses.

(4) The loading spectra must be as severe as those expected in operation and must be based on loads or stresses determined under subparagraph (3) of this paragraph.

(b) *Fatigue tolerance evaluation.* It must be shown that the fatigue tolerance of the structure ensures that the probability of catastrophic fatigue failure is extremely remote without establishing replacement times, inspection intervals or other procedures under § 27.1529(a)(2) (§ 29.1529(a)(2)).

(c) *Replacement time evaluation.* It must be shown that the probability of catastrophic fatigue failure is extremely remote within a replacement time furnished under § 27.1529(a)(2) (§ 29.1529(a)(2)).

(d) *Failsafe evaluation.* The following apply to failsafe evaluations:

(1) It must be shown that all partial failures will become readily detectable under inspection procedures furnished under § 27.1529(a)(2) (§ 29.1529(a)(2)).

(2) The interval between the time when any partial failure becomes readily detectable under subparagraph (1) of this paragraph, and the time when any such failure is expected to reduce the remaining strength of the structure to limit or maximum attainable loads (as applicable), must be determined.

(3) It must be shown that the interval determined under subparagraph (2) of

this paragraph is long enough, in relation to the inspection intervals and related procedures furnished under § 27.1529(a)(2) (§ 29.1529(a)(2)), to provide a probability of detection great enough to ensure that the probability of catastrophic failure is extremely remote.

(e) *Combination of replacement time and failsafe evaluations.* A component may be evaluated under a combination of paragraphs (c) and (d) of this section. For such component it must be shown that the probability of catastrophic failure is extremely remote with an approved combination of replacement time, inspection intervals, and related procedures furnished under § 27.1529(a)(2) (§ 29.1529(a)(2)).

4. Sections 27.1529 and 29.1529 would be amended to read as follows:

§ 27.1529 (§ 29.1529) Rotorcraft Maintenance Manual.

(a) Each rotorcraft must be furnished with a Rotorcraft Maintenance Manual containing the following:

(1) All information that the applicant considers essential for proper maintenance, including replacement times for major components, if replacement is anticipated. Part numbers (or equivalent) must be furnished for major components for which a replacement time is furnished.

(2) The replacement times, inspection intervals, and related procedures approved under § 27.571 (§ 29.571), and the part number (or equivalent) of each component to which they apply. This section of the manual must be identified by the title "Airworthiness Limitations." The information and procedures in this section of the manual—

(i) Must be consistent with the information in the rest of the manual;

(ii) Must be shown to be practicable; and

(iii) Must indicate where "equivalent" procedures are to be permitted.

(b) The information in the "Airworthiness Limitations" section of the manual must be segregated and clearly distinguished from the rest of the manual.

5. Sections 27.1559 and 29.1559 would be amended to read as follows:

§ 27.1559 (§ 29.1559) Limitations placard.

There must be a placard in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the FAA approved Rotorcraft Flight Manual." If the Rotorcraft Maintenance Manual contains an "Airworthiness Limitations" section issued under § 27.1529(a)(2) (§ 29.1529(a)(2)), the placard must contain the following additional statement: "The 'Airworthiness Limitations' section of the Rotorcraft Maintenance Manual must be complied with."

Explanation. Sections 27.401(c), 27.547(b), 27.549(e), 29.401(c), 29.547(b), and 29.549(d) would be deleted because their fatigue substantiation provisions would be surplus if proposed §§ 27.571 and 29.571 are adopted.

Proposed §§ 27.571, 29.571, 27.1529, and 29.1529 preserve the design objectives stated in Notice 65-42, Airframe Proposal 8. However, several clarifying changes are made. Proposed §§ 27.571(a) and 29.571(a) is drafted to make it clear that the cases for which inflight measurement is specified are exceptions to the general rule stating that analysis may be used if reliable. It is not intended that analysis be used in the specified cases (proposed §§ 27.571(a)(3) and 29.571(a)(3)) under any condition. The general rule stated in Notice 65-42 that analysis may be used where reliable is not contained in this notice since it is contained in §§ 27.307(a) and 29.307(a), which applies to all of Subpart C, including §§ 27.571 and 29.571. One industry comment stated that the proposed requirement in Notice 65-42 that the inflight measurement of loads must include the "range of limitations prescribed in § 27.309 (§ 29.309) * * *" could imply that the inflight measurements must be conducted during extreme maneuvers. This is not intended. Proposed §§ 27.571(a)(3)(i) and 29.571(a)(3)(i) therefore incorporates the commentator's suggestion that the inflight measurements should be required throughout the range of limitations prescribed in § 27.309 (§ 29.309) or the range expected in service, "whichever is less."

Proposed §§ 27.571(b) and 29.571(b) makes it clear that the showing that the probability of fatigue failure is extremely remote without a replacement time is not part of the replacement time evaluation, as implied by Notice 65-42, but is rather a separate means of fatigue substantiation based on a showing of fatigue tolerance independent of specified replacement times and other specified maintenance procedures.

Proposed §§ 27.571(c) and 29.571(c) contains the replacement time evaluation requirement proposed in Notice 65-42 but is changed to refer to replacement times specified in the separate section of the maintenance manual. For critical components for which the replacement time evaluation is used, the showing of remote probability of failure must be related to, and provide the basis for approving, the replacement times that are placed in the separate section of the maintenance manual for those components.

Proposed §§ 27.571(d) and 29.571(d) contains the failsafe evaluation requirement proposed in Notice 65-42, with certain changes. That notice proposed two primary bases for assuring remote probability of failure under the failsafe evaluation: (1) The requirement of a "determination" of the time remaining, "after a partial failure", during which the structure can support limit or maximum attainable loads; and (2) the requirement that each partial failure must be readily detectable. However, an adequate failsafe investigation requires that more be shown. The requirement that each partial failure must be readily detectable is not complete unless it is also shown that (1) the prescribed detectability is related to specific inspection procedures in the separate section of the

maintenance manual, and (2) the prescribed detectability will occur before any partial failure can reduce the remaining strength below that necessary to support limit or maximum attainable loads. The requirement to determine life remaining "after a partial failure" is not complete unless it is also shown that (1) the interval of life remaining, after the partial failure becomes detectable, is determined, and (2) this interval is great enough to ensure that detection will occur if mandatory procedures in the maintenance manual are followed. Proposed §§ 27.571(d) and 29.571(d) requires that these findings be made the basis for the finding of remote probability of failure.

Proposed §§ 27.1529 and 29.1529 contains the maintenance manual changes proposed in Notice 65-42. However, the present proposal is modified to make it clear that the new requirement for a separate section of the manual would not alter the need to furnish replacement times that the applicant considers essential for major components not covered as "critical" components in that separate section of the manual. Further, since the approved maintenance procedures would be mandatory on all operators and maintenance personnel, it would be essential that the manufacturer show that the maintenance procedures that he uses to substantiate compliance with proposed § 27.571 are also procedures that can be practically carried out in the maintenance environment. Proposed §§ 27.1529(a)(2)(ii) and 29.1529(a)(2)(ii) would therefore require the manufacturer to show that the procedures are practicable as a condition to FAA approval of those procedures.

Components currently covered by §§ 27.1529 and 29.1529, and which would not be covered under the "Airworthiness Limitations" section of the manual prescribed in proposed §§ 27.1529(a)(2) and 29.1529(a)(2), would be covered, with one minor change, under §§ 27.1529(a)(1) and 29.1529(a)(1). This minor change concerns component identification. Current §§ 27.1529 and 29.1529 provide that certain components must be "identified" by "serial number". The word "identified" is ambiguous since some persons have questioned whether it is limited only to identification of components in the manual itself or whether it also includes identification in the sense of marking produced components with identifiers. Since Parts 27 and 29 contain only standards for the issue of type certificates, only the former meaning (identification in the manual itself) is appropriate. This would be made clear. Further, reference to "serial numbers" is incorrect. While manufacturers may choose to furnish serial numbers in the manual, serial numbers do not become important until the production phase and are therefore inappropriate as type certification requirements. On the other hand, "part numbers" (or equivalent) are the necessary means of identifying components in the manual itself. For these reasons the last sentence of §§ 27.1529(a)(1) and 29.1529(a)(1) provides that "part numbers" or equivalent must be "furnished"

for the components. The proposed reference to the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual on the placard that is currently required by §§ 27.1569 and 29.1569 would give the operator notice that the particular rotorcraft is covered by § 91.163(c) which is proposed below, and would give maintenance personnel notice that the rotorcraft is covered by § 43.16, also proposed below.

CHANGES TO THE "AIRWORTHINESS LIMITATIONS" SECTION OF THE ROTORCRAFT MAINTENANCE MANUAL

Since the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual would be made mandatory with respect to operators by proposed § 91.163(c) and with respect to maintenance personnel by proposed § 43.16, it is essential that these regulated persons have access to all changes that will affect their obligations under the proposed rules. Operators and maintenance personnel could be affected in two ways:

I. *Increased burden.* If safety requires that any replacement times, inspection intervals, or related procedures in the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual must be made more severe than those that were originally issued, appropriate changes to the manual would be made by Airworthiness Directives under Part 39. Once such an Airworthiness Directive has been issued, all subsequent changes to the manual data covered by that Airworthiness Directive would be by superseding Airworthiness Directives, regardless of whether these subsequent changes increase or relax a burden.

II. *Relaxing a burden.* The replacement times, inspection intervals, and related procedures in the proposed "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual would be approved as type certification limitations. Relaxation of these procedures would therefore require resubstantiation of the flight structure for the relaxed procedures under Part 27 or 29 in the same manner as the original procedures were substantiated. Once such a relaxation is approved in this manner, it is apparent that compliance with the more restrictive former data would not be necessary for safety. It is recognized that manufacturers, in their own interest, will generally act to keep operators advised as to changes in the maintenance manual. However, the effect of proposed § 91.163(c) and § 43.16 could be to require compliance with unnecessarily restrictive procedures unless a regulatory basis is provided to ensure that changes approved for the holder of the type certificate are made available to operators. For this reason, a new § 21.50 would be added to read as follows:

§ 21.50 Rotorcraft Maintenance Manual: changes to the "Airworthiness Limitations" section.

The holder of a type certificate for a rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued under § 27.1529(a)(2) or § 29.1529

(a)(2), and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual, shall make those changes available upon request to any operator of the same type of rotorcraft.

IDENTIFICATION MARKING OF CRITICAL COMPONENTS

Since operators and maintenance personnel would be required to comply with the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual with respect to each critical component specified therein, it is essential that each such component be identified so that compliance can be recorded throughout its service history. This requires a part number (or equivalent) to identify the component as one specified in the manual and a serial number (or equivalent) to provide a basis for determining, and recording, continued compliance with the manual. It is recognized that such identification is now generally accepted industry practice. Therefore, no amendment to Part 45 is proposed for major components now covered by §§ 27.1529 and 29.1529 and not covered by proposed §§ 27.1529(a)(2) and 29.1529(a)(2). However, the proposed regulatory changes affecting operators and maintenance personnel concerning the "Airworthiness Limitations" section of the rotorcraft maintenance manual should not be imposed on those persons without the issue of specific identification requirements that would provide a basis for recording compliance with the manual. Therefore, a new § 45.14 would be added to read as follows:

§ 45.14 Identification of critical components.

Each person who produces a part for which a replacement time, inspection interval or related procedure is specified in the "Airworthiness Limitations" section of a rotorcraft maintenance manual shall mark that component with a part number (or equivalent) and with a serial number (or equivalent).

It should be noted that proposed § 45.14 would cover any person who produces original or replacement components for the rotorcraft, not only the holder of the type certificate.

OPERATION AND MAINTENANCE

The extreme importance of manufacturer's recommendations concerning the maintenance of their products has long been recognized by the FAA. For complex aircraft such as rotorcraft, the manufacturer's recommendations may be necessary in determining the continuing airworthiness of the aircraft. For this reason, rotorcraft manufacturers have long been required to furnish their maintenance recommendations in the form of a maintenance manual (§§ 27.1529 and 29.1529 and former CAR §§ 6.719 and 7.719). For this reason also, these furnished recommendations have been of the greatest importance in determining compliance with the maintenance regulations of Parts 43, 91, and 127. Nothing in this notice would alter this administration of those regulations for operators

and maintenance personnel so far as currently type certificated rotorcraft are concerned. Nor would these amendments change this practice for components for which manufacturer's recommendations are furnished under proposed §§ 27.1529(a)(1) and 29.1529(a)(1) and therefore not placed in the "Airworthiness Limitations" section of the manual. However, notwithstanding the highly persuasive nature of any manufacturer's recommendation in determining compliance with the maintenance regulations, and notwithstanding the occasional use of the word "mandatory" or similar words by some manufacturers in their manuals, the FAA has never singled out a specific portion of the manufacturer's maintenance manual and by regulation made it mandatory on its own terms. Except for the reference to the rotorcraft manufacturer's recommendations in the 100-hour, annual, and progressive inspection requirements of § 43.15(b) (and the corresponding progressive inspection requirement in § 91.171(b)), the present operating and maintenance rules do not reference the manufacturer's recommendations. This is consistent with the fact that the type certification requirements of Parts 27 and 29 do not condition the issue of the type certificate upon the approval of specific maintenance practices. However, as described above, the proposed amendments to Parts 27 and 29 would place in the "Airworthiness Limitations" section of the rotorcraft maintenance manual replacement times, inspection intervals, and related procedures that define the limits of the type certification approval of the fatigue characteristics of critical flight structure. It is thus clear that for such structure the "Airworthiness Limitations" section would have to be given a regulatory effect upon operators as complete as that of the operating limitations which now define other limits of approval of the aircraft type design and which are therefore now made mandatory by § 91.31.

Since the inspection intervals, replacement times, and related procedures in the "Airworthiness Limitations" section of the rotorcraft maintenance manual would be limitations on the original approval of the type design, it is evident that no departure from these procedures (except those that provide for "equivalent" compliance) can be authorized unless resubstantiation under Part 27 or Part 29 is accomplished to change these procedures. For this reason the continuous airworthiness maintenance programs for air carrier rotorcraft, as well as the maintenance performed on other rotorcraft, would be required to conform to these procedures. A new paragraph (c) would therefore be added to § 91.163, since that section applies to air carriers as well as other operators. In order to ensure that each operator will have notice that his rotorcraft is covered by proposed § 91.163(c), the rotorcraft would, as described above, contain the placard referring to the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual.

For rotorcraft operated under Part 91 (including operations under Parts 133 and 135), continued compliance with the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual would be implemented by the use of any recordkeeping system that the operator chooses to set up for himself under § 91.173, and could take any form, within the terms of that rule, that best serves the need of the operator. No need to require approval of the recordkeeping system for rotorcraft in general operations is seen at the present time.

For rotorcraft operated under the continuous airworthiness maintenance program requirements for air carriers under Part 127, compliance with the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual would be implemented by requiring, in § 127.134, that the air carrier's manual contain procedures to ensure that that section of the Rotorcraft Maintenance Manual is complied with as prescribed in new § 91.163(c). The terms of the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual would be final in determining compliance with § 91.163(c), notwithstanding any alternate or contrary procedures in the air carrier's manual or operating specifications. All changes to replacement times, inspection intervals, or related procedures contained in the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual would have to be done through FAA engineering approval of changes to that section of that manual, by resubstantiation under Part 27 or 29. This is necessary in order to avoid possible amendments of the air carrier's manual or operating specifications that introduce conflicts between those procedures and the procedures contained in the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual. Section 127.131(a)(2) provides that each air carrier is primarily responsible for the performance of maintenance in accordance with its manual "and the regulations of this chapter." Proposed new § 91.163(c) would become an applicable regulation. Proposed § 127.134(b)(10) would ensure that the terms of the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual, and all changes thereto, are properly disseminated and organized for best use in the particular continuous airworthiness maintenance program of each air carrier.

Since the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual would contain maintenance procedures (as well as inspection intervals and replacement times) that provide the basis for the approval of certain flight structure during type certification, it would be necessary to amend Part 43 to specifically require compliance with these procedures. While the responsibility for compliance with prescribed time intervals (for inspection or replacement) is entirely on the operator, the mechanic would be required to comply with procedures in the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual that cover the performance of inspections or other work that the

mechanic has chosen to perform for the operator. Notice to the mechanic that his particular work is governed by the "Airworthiness Limitations" section of the Rotorcraft Maintenance Manual under § 91.163(c) would be provided by the mechanic's knowledge of the Rotorcraft Maintenance Manual (which is required by § 65.81(b) as a condition to the exercise of his certificate privileges), and by the placard reference in the rotorcraft itself (described above).

In consideration of the foregoing, Parts 43, 91, and 127 would be amended as follows:

1. A new § 43.16 would be added reading as follows:

§ 43.16 Rotorcraft Maintenance Manual: "Airworthiness Limitations" section.

For rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued, each person performing an inspection or other work specified in that section of the manual shall perform the inspection or work in accordance with that section of the manual.

2. A new § 91.163(c) would be added reading as follows:

§ 91.163 General.

(c) No person may operate a rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued, unless the replacement times, inspection intervals, and related procedures specified in that section of the manual are complied with.

3. A new § 127.134(b)(10) would be added reading as follows:

§ 127.134 Manual requirements.

(b) * * *

(10) For rotorcraft for which a Rotorcraft Maintenance Manual containing an "Airworthiness Limitations" section has been issued, procedures to ensure that the replacement times, inspection intervals, and related procedures specified in that section of the manual are complied with, including applicable changes to that section of the manual.

These amendments are proposed under the authority of sections 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425).

Issued in Washington, D.C., on October 3, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-11947; Filed, Oct. 10, 1967; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 8445]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the

Federal Aviation Regulations by adding an airworthiness directive applicable to Vickers Viscount Models 744, 745D, and 810 Series airplanes. There have been reports of instances in which the nuts and studs securing the oil metering unit of the Godfrey cabin compressor have become loose with consequent loss of oil. This could result in overheating of the compressor and its eventual failure. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspections of the oil metering unit and bearing cover plate for security, the securing of loose units and plates, and the incorporation of British Aircraft Corporation Modification D.3204 (700 Series) and PG.2075 (810 Series) or an FAA-approved equivalent within the next 1,500 hours' time in service after the effective date of this AD.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 10, 1967 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive.

VICKERS: Applies to Viscount Models 744, 745D, and 810 Series airplanes.

Compliance required as indicated. To prevent the loss of oil to the Godfrey cabin compressor due to a loose oil metering unit, accomplish the following unless already accomplished:

(a) Within the next 50 hours' time in service after the effective date of this AD and thereafter whenever the gear box oil contents are checked, inspect the oil metering unit and bearing cover plate for security; i.e. nuts are tight and spring washers fully compressed. Secure as necessary.

(b) Within the next 1,500 hours' time in service after the effective date of this AD, incorporate Godfrey Precision Products' Modification 1195 (BAC Modification D.3204 (700 Series) and PG.2075 (810 Series)), in accordance with Godfrey Precision Products' Service Bulletin No. 21-116-1195, or an equivalent approved by the Chief, Aircraft Certifications Staff, FAA, Europe, Africa, and Middle East Region.

(c) The repetitive inspections required by paragraph (a) may be discontinued following the incorporation of the Modification described in paragraph (b).

(British Aircraft Corp. PTL 267, Issue 1 (700 Series) and PTL 130, Issue 1 (810 Series) pertain to this subject.)

Issued in Washington, D.C., on October 3, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[P.R. Doc. 67-11948; Filed, Oct. 10, 1967;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-105]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of VOR Federal Airways Nos. 38, 144, and 177 by deletion of reference to the Monterey, Ind., VOR. These amendments are necessary as the Monterey VOR has been considered for decommissioning in accordance with nonrulemaking procedures and published as 67-CE-17NR.

If these actions are taken, V-38, 144, and 177 would be altered as follows:

V-38 and V-144 From Peotone, Ill., 1,200 feet AGL direct to Fort Wayne, Ind.

V-177 From Fort Wayne, 1,200 AGL INT Peotone 098° T (096° M) and Chicago Heights, Ill., 140° T (136° M) radials; 1,200 feet AGL Chicago Heights.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on September 29, 1967.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[P.R. Doc. 67-11949; Filed, Oct. 10, 1967;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 18022; PDR-26]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Nonstop Operations Contained in Certificates of Public Convenience and Necessity of Local Service Carriers; Supplemental Notice

OCTOBER 6, 1967.

Notice is hereby given that the Civil Aeronautics Board is considering the desirability of amending Part 302, Rules of Practice in Economic Proceedings, to establish an expedited procedure for modifying or removing certain provisions which have the effect of precluding nonstop operations between points authorized to be served pursuant to certificates of public convenience and necessity of local service carriers. The subject and the issues involved are explained in the attached explanatory statement. The rule proposed herein is submitted in substitution for the rule set forth in PSDR-16, subject docket, 31 F.R. 15747, December 14, 1966. The amendment is proposed under authority of sections 204(a) and 401 of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371) and of sections 3 and 4 of the Administrative Procedure Act (81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552 and 553).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before November 13, 1967, will be considered by the Board before taking action.

Upon receipt by the Board, copies of the above comments will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board,

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. By PSDR-16 dated December 8, 1966, Docket 18022, 31 F.R. 15747, December 14, 1966, the Board proposed an amendment to Part 399, its statements of general policy, to establish a new Board policy with respect to nonstop authority for local service carriers in markets on their respective linear route segments. It was therein proposed to grant this class of carriers authority, under the Board's change in service pattern procedure,¹ to schedule nonstop service in particular medium-haul high-density markets which were also served by trunkline carriers, if such markets were on the applicant's linear

route segment and if the carrier met certain prescribed conditions set forth in the proposed rule. The rule proposed in PSDR-16 was based upon certain tentative findings and conclusions which the Board made in the explanatory statement therein.

Numerous comments were filed in the rule making proceeding. Comments were received from all but one of the trunkline carriers, from all of the local service carriers, from the Department of Justice, from one all-cargo carrier, and from the public. All of the trunkline carriers except one opposed the rule. The Department of Justice and the local service carriers supported the rule, the latter suggesting modifications. The remainder of the comments were mixed.

In general, the trunkline carriers challenge the legality of the rule and the standards proposed. They assert that grant of the nonstop authority envisioned by the proposed policy would constitute an award of new authority that local service carriers do not now possess, authority that can only be given pursuant to a hearing under section 401(g) of the Act and a Board finding that such authority is required by the public convenience and necessity. They also maintain that the rule would be improvident, diverting substantial revenues from their operations without at the same time providing offsetting benefits to the local service carriers. According to the trunklines, no substantial reduction in subsidy would result from implementation of PSDR-16. On the other hand, the local service carriers contend that the rule and the procedures proposed thereunder are legal and necessary to effect the subsidy reduction desired by the Board and to promote the growth and strengthening of the local service industry. However, six local service carriers object to the rule in the form proposed and urge various modifications, and other revisions are requested by three trunkline carriers and eight public bodies.

As stated above, in their comments the trunkline carriers argue that the Board cannot legally use the change in service pattern procedure in order to permit local service carriers to provide nonstop service in competitive markets. The Board is not persuaded that it cannot proceed by way of the change in service pattern procedure to accomplish this as proposed in PSDR-16 under the doctrine of the Madison-Chicago case.² However, in light of the comments, the Board believes that, as a matter of policy, it would be more appropriate in the case of markets where there may be significant competitive implications, to utilize the certificate amendment procedure rather than the change in service pattern procedure.

Accordingly, the Board proposes a new subpart to Part 302, the Board's Rules of Practice in Economic Proceedings. It would provide for an expedited procedure

² North Central Airlines, Change in Service Pattern, 36 CAB 866 (1962).

¹ 14 CFR Part 202.

to process applications of local service carriers to amend their certificates by modifying or removing stop restrictions set forth therein.² Where the Board determines to employ the expedited procedure, the regulation provides for a referral of the matter to a hearing examiner for a limited evidentiary hearing to be followed by an expedited review, in the Board's discretion, of the examiner's decision. Whether the Board will proceed under the expedited procedure in any particular case would, of course, be within the Board's discretion. Under the regulation, the Board may deny an application on the basis of the pleadings filed without an evidentiary hearing and without prejudice to a carrier's refiling the application under the normal certificate amendment procedure. The Board may also take other appropriate action, such as final decision on the merits without further administrative procedure, should the parties waive a hearing. An expedited hearing, if ordered by the Board, would be limited to (1) introduction into evidence of the application, answer and reply, and the motion to consolidate and related pleadings, and (2) oral testimony on cross-examination of any witness sponsoring such application, answer or reply, or motion to consolidate or related pleadings.

Proposed rule. It is proposed to adopt a new Subpart M of Part 302 to read as follows:

1. Amend the table of contents of Part 302 by adding a new Subpart M, the title of which reads as follows: "Subpart M—Expedited Procedure for Modifying or Removing Certain Limitations on Nonstop Operations Contained in Certificates of Public Convenience and Necessity of Local Service Carriers."

2. Adopt a new Subpart M, which will read as follows:

Subpart M—Expedited Procedure for Modifying or Removing Certain Limitations on Nonstop Operations Contained in Certificates of Public Convenience and Necessity of Local Service Carriers

Sec.	
302.1301	Applicability.
302.1302	Subpart A governs.
302.1303	Filing of application and publication of notice.
302.1304	Contents of application.
302.1305	Service of application.
302.1306	Answers to application.
302.1307	Intervention.
302.1308	Motions to consolidate.
302.1309	Reply to answers.
302.1310	Procedures after filing of answers and reply.
302.1311	Hearing.
302.1312	Briefs to the examiner.
302.1313	Examiner's initial decision.
302.1314	Subsequent procedures.

² It should be pointed out that, although the rule previously proposed (PSDR-16) was limited in application to markets which were on-segment to a local service carrier, the rule proposed herein is not so limited since it envisages a certificate amendment proceeding. Thus, the rule we now propose could result in the grant of nonstop authorization to a local service carrier between any points on its system irrespective of whether the particular market involved is on-segment as to the local service carrier.

AUTHORITY: The provisions of this Subpart M issued under secs. 204(a) and 401 of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371) and of secs. 3 and 4 of the Administrative Procedure Act (81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552 and 553).

§ 302.1301 Applicability.

This subpart sets forth the special rules applicable to proceedings on applications for amendments of certificates of public convenience and necessity of local service carriers to remove or modify certificate provisions which require local service carriers to serve one or more points between particular pairs of points.

§ 302.1302 Subpart A governs.

Except as otherwise provided herein, the provisions of Subpart A are applicable.

§ 302.1303 Filing of application and publication of notice.

Any local service carrier may file an application for amendment of its certificate as described in § 302.1301. If the applicant desires the Board to process the application pursuant to the expedited procedure provided by this subpart, the application should clearly so state. The Board shall publish notice of the application of the local service carrier in the FEDERAL REGISTER.

§ 302.1304 Contents of application.

The application shall set forth all the facts upon which the applicant relies to show that the public convenience and necessity require the relief sought. The application shall include estimates of the financial results of the operation, including the estimated effect on the applicant's subsidy need for each of the succeeding two years. The application shall indicate the names of the parties served as required by § 302.1305.

§ 302.1305 Service of application.

(a) *Persons to be served.* A copy of an application shall be served on (1) any certificated air carrier which is authorized to engage in individually ticketed air transportation at one or both of the points with respect to which the applicant seeks nonstop authority; (2) the chief executive of any State of the United States in which any point which is involved in the application is located; *Provided, however,* That if there be a State commission or agency having jurisdiction of transportation by air, the application shall be served on such commission or agency rather than the chief executive of the State; and (3) the chief executive of the city, town, or other unit of local government at each of the points located in the United States, between which the applicant seeks authority, as well as each certificated point intermediate thereto.

(b) *Additional service of notice.* The Board may, in its discretion, order additional service on such person or persons as the facts of the situation warrant.

§ 302.1306 Answers to application.

(a) Any interested person may file an answer with the Docket Section of the

Board in opposition to or in support of an application. Answers shall be filed within twenty-five (25) days after filing of an application. Any answer in opposition shall specify the part of the application opposed, the grounds for such opposition, and the part of the application, if any, with respect to which a hearing is requested. Answers shall set forth the economic data and other facts upon which the party relies to support its position.

(b) Failure of a person to file an answer within the time specified in this section shall be considered as a waiver by such person of the right to a hearing on the application and all other procedural steps short of a final decision of the Board in the proceeding. Failure to request a hearing in an answer filed pursuant to this section shall be deemed to be a waiver of the right to a hearing on the application and all other procedural steps short of final Board decision.

§ 302.1307 Intervention.

(a) *Persons served.* A person who is served pursuant to § 302.1305 of this subpart with a copy of an original application and who files an answer to such application will automatically become a party to the proceeding without the necessity of filing a petition for intervention. A person who is so served and who does not file an answer is not entitled to seek intervention under the provisions of paragraph (b) of this section.

(b) *Persons not served.* A person who is not served pursuant to § 302.1305 of this subpart with a copy of an original application may petition for intervention not later than seven (7) calendar days after service of the Board's order of hearing. Answers to such petition shall be filed within five (5) calendar days after the petition is filed.

§ 302.1308 Motions to consolidate.

(a) Motions to consolidate for hearing other applications shall be filed within twenty-five (25) days after filing of an application pursuant to § 302.1303. Motions to consolidate applications which request different authority from that requested in the original application with which consolidation is sought shall be denied. Motions to consolidate shall include economic data and other facts in support of both the motion to consolidate and the application sought to be consolidated. Data in support of the application sought to be consolidated shall conform, to the extent applicable, to the provisions of § 302.1304 with respect to original applications. Such motions shall be served pursuant to § 302.1305.

(b) Answers to motions to consolidate shall be filed within fifteen (15) days after filing of the motion. Such answers shall (1) set forth the basis of the support of or opposition to the motion to consolidate, and (2) with respect to the merits of the application for route authority, set forth the type of data required by § 302.1306 for answers to an original application.

§ 302.1309 Reply to answers.

Within seven (7) days after service of an answer to an original application or an answer to a motion to consolidate, the applicant (or, in the case of motions to consolidate, the movant) may file a reply thereto.

§ 302.1310 Procedures after filing of answers and reply.

After the time for filing a reply or replies has expired, the Board shall issue an order setting the matter for hearing, denying the application without prejudice to refiling the application under the normal certificate procedure, or taking other appropriate action. The Board shall also dispose of motions to consolidate filed pursuant to § 302.1308. Except where the Board issues a final order disposing of an application on the pleadings, petitions for reconsideration of these Board actions shall not be entertained.

§ 302.1311 Hearing.

If the Board determines, pursuant to § 302.1310, that a hearing should be held, the application or applications shall be set promptly for hearing in Washington, D.C., before an examiner of the Board. No prehearing conference shall be held.

The issues shall be restricted to the relief requested in the application or applications. Unless the examiner finds that additional evidence is necessary in order to assure a party a fair hearing, the hearing shall be limited to (1) introduction into evidence of the application, answer and reply, and the motion to consolidate and related pleadings, and (2) oral testimony on cross-examination of any witness sponsoring such application, answer or reply or motion to consolidate or related pleadings.

§ 302.1312 Briefs to the examiner.

Briefs to the examiner shall be filed not more than ten (10) days following the close of the hearing, unless the examiner determines that briefs are not necessary under the circumstances of the case.

§ 302.1313 Examiner's initial decision.

Except for the following, the provisions of § 302.27 shall be applicable:

(a) Unless a petition for discretionary review is filed pursuant to §§ 302.28 and 302.1314 or the Board issues an order to review upon its own initiative, the initial decision shall become effective as the final order of the Board fifteen (15) days after service thereof; and

(b) Where a petition for discretionary review is timely filed or action to review

is taken by the Board upon its own initiative, the effectiveness of the initial decision is stayed until the further order of the Board.

§ 302.1314 Subsequent procedures.

Except for the following, the provisions of §§ 302.28 to 302.33 and 302.36 and 302.37 shall be applicable:

(a) Any party may file and serve a petition for discretionary review by the Board of an initial decision within ten (10) days after service thereof;

(b) Within ten (10) days after service of a petition for discretionary review, any party may file and serve an answer in support of or in opposition to the petition;

(c) Within ten (10) days after date of the order granting discretionary review, any party may file a brief to the Board;

(d) Normally oral argument before the Board on a case will not be allowed; and

(e) A petition for reconsideration of any order shall be filed within ten (10) days after service thereof, and an answer in support of or in opposition to such petition shall be filed within seven (7) calendar days after the petition is filed.

[F.R. Doc. 67-11987; Filed, Oct. 10, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 3, 1967.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application, Sacramento 079877, for withdrawal and reservation of lands for the planned facilities of the Auburn-Folsom South Unit of the Central Valley Project, was published as F.R. Doc. No. 65-11539 on pages 13747 and 13748 of the issue for October 28, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 10 E.,
Sec. 27, lot 21.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on November 6, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-12010; Filed, Oct. 10, 1967;
8:50 a.m.]

[Nevada 054578]

NEVADA

Notice of Termination of Proposed Modification of National Forest Boundaries

OCTOBER 3, 1967.

Notice of a U.S. Department of Agriculture, Forest Service, application, Nev.-054578, for the modification of the boundaries of the Humboldt National Forest, was published as F.R. Doc. No. 67-5466, on page 7346 of the issue for May 17, 1967.

The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, any segregative effect stemming from the application is hereby terminated.

ROLLA E. CHANDLER,
Land Office Manager.

[F.R. Doc. 67-12011; Filed, Oct. 10, 1967;
8:50 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 4, 1967.

The Corps of Engineers, U.S. Department of the Army, has filed an applica-

tion, Serial No. New Mexico 1180, for the withdrawal of lands described below, from all forms of appropriation, including the general mining and the mineral leasing laws. The applicant desires the lands for use by the Atomic Energy Commission as a buffer zone for their high explosive test facility near Sandia Base.

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, State Director, Post Office Box 1449, Santa Fe, N. Mex. 87501.

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

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

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 9 N., R. 4 1/2 E.,
Sec. 12, lots 3, 4, and SE 1/4.
T. 9 N., R. 5 E.,
Sec. 3, S 1/2 NW 1/4, SW 1/4, and S 1/2 SE 1/4;
Sec. 4, S 1/2 N 1/2 and S 1/2;
Sec. 5, S 1/2 N 1/2 and S 1/2;
Sec. 6, SE 1/4 NE 1/4 and E 1/2 SE 1/4;
Sec. 7, lots 3, 4, E 1/2 NE 1/4, SW 1/4 NE 1/4, S 1/2 NW 1/4 NE 1/4, NE 1/4 NW 1/4 NE 1/4, SE 1/4 NE 1/4 NW 1/4, SE 1/4 NW 1/4, E 1/2 SW 1/4, and SE 1/4;
Secs. 8, 9, and 10;
Sec. 11, W 1/2 NW 1/4 and SW 1/4;
Sec. 17, HES 414;
Sec. 18, HES 413.

The areas described contain 4,596.22 acres.

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

[F.R. Doc. 67-12012; Filed, Oct. 10, 1967;
8:50 a.m.]

Fish and Wildlife Service

[Docket No. S-400]

WALTER B. AND RUTH BARNETT

Notice of Loan Application

OCTOBER 6, 1967.

Walter B. Barnett and Ruth Barnett, 1624 Ocean View Drive, Post Office Box 1363, Newport, Oreg. 97365, have applied for a loan from the Fisheries Loan Fund to aid in the purchase of a used 39.6-foot registered length wood vessel to engage in the fishery for salmon, albacore, and Dungeness crab.

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.

J. L. McHUGH,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-11978; Filed, Oct. 10, 1967;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18754; Order No. E-25784]

SOUTHERN AIRWAYS, INC.

Order To Show Cause Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of October 1967.

On June 30, 1967, Southern Airways, Inc. (Southern), filed an application, Docket 18754, requesting amendment of its certificate for route 98 to add a new segment between the terminal points Eglin Air Force Base, Fla., and New York, N.Y.-Newark, N.J. via the intermediate points Dothan, Ala., Columbus, Ga., and Washington, D.C. (to be served through Dulles International Airport). On July 3, 1967, Southern filed a petition requesting grant of the above described application by show cause procedure or in the

alternative that the application be set down for expedited hearing.

In support of its petition, Southern alleges, *inter alia*, that: Its proposal will reduce subsidy by \$449,109 during the first year; it will realize an operating profit of \$1,167,311; its proposal offers first single-plane service between Eglin AFB, Dothan and Columbus, on the one hand, and Washington and New York, on the other; its service will benefit 77,194 passengers in 1968, the first full year of operations; and its service will have a minimal impact upon other carriers.

Answers in support of Southern's application and petition have been filed by: The city of Abbeville, Ala., city of Crestview, Fla., and Crestview Chamber of Commerce; Niceville-Valparaiso Chamber of Commerce; city of Fort Walton Beach and the Greater Fort Walton Beach Chamber of Commerce; Destin Chamber of Commerce; Alabama Department of Aeronautics; city of Dothan, Ala., and Dothan Chamber of Commerce; city of Columbus, Ga., and Muscogee County, Ga., and Columbus Chamber of Commerce; city of Enterprise, Enterprise Chamber of Commerce; Okaloosa-Walton Junior College; city of Niceville, Fla.; city of Ozark, Ala.; and the State of Florida.

Answers opposing Southern's petition have been filed by Eastern Air Lines, Inc. (Eastern), and Delta Air Lines, Inc. (Delta). Both Eastern and Delta contend that Southern's proposal will require increased subsidy; and that no significant public benefits will result. In addition, Eastern points out that both Eastern and Delta have previously unexercised non-stop authority in the Columbus-Washington/New York markets and Eastern states that it intends to inaugurate jet service in this market during the summer of 1968.

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that the public convenience and necessity require the amendment of Southern's certificate of public convenience and necessity for route 98 in such a manner as to grant Southern's application, Docket 18754, on a subsidy-ineligible basis, subject to certain certificate restrictions as set forth in Appendix D of Southern's petition and as more fully discussed herein below.

We tentatively find and conclude that Southern's service proposal will result in a significant subsidy need reduction for that carrier,¹ and that Southern's proposal will provide significant service improvements for the traveling public. We have estimated that Southern's proposal will convenience a substantial number of passengers.² We have considered the contentions of both Eastern and Delta that Southern's traffic forecast is overstated and we find their contentions to be, for the most part, without merit.

¹ While Southern's estimate that its proposal will reduce subsidy by \$449,109 is probably too high, nonetheless, it is evident that a substantial subsidy need reduction will occur.

² While Southern's estimate of 77,194 passengers may be too high, we think that the estimate is substantially accurate.

Delta, in particular, contends that Southern has overstated the traffic which it would obtain in the Baltimore and Philadelphia markets as well as its participation in traffic connecting at New York. Moreover, Delta alleges that Southern's computation of an annual normal traffic growth rate of 20 percent is substantially overstated. To the extent that Delta argues that Southern's estimates of its participation in Baltimore and Philadelphia traffic are too high, we agree. We believe that some downward traffic adjustments in both markets would be reasonable. With respect to Southern's participation in traffic connecting at New York, it may be that Southern's estimate for this traffic is overstated. However, that overstatement is compensated for by additional traffic to such points as Portland, Maine, and other New England points, which are not included in Southern's estimate, and which would be benefited by improved connecting service. Finally, we cannot agree with Delta's contention that the use of a 20 percent growth rate in these markets is inappropriate. During recent years, growth rates of this nature have been by no means uncommon and we think that Southern's estimate in this regard is reasonable and attainable.

The service improvements resulting from Southern's proposal will, we think, be substantial. Thus, Dothan and Eglin AFB will both receive first single-carrier and single-plane service to Washington and New York. In addition, Columbus will receive first single-plane service to both Washington and New York. At the present time traffic from these three points to Washington and New York moves via connecting service at Atlanta. The Atlanta airport is one of the busiest in the Nation and, in our judgment, Southern's proposal to bypass the congestion at the Atlanta airport will result in improved service to the public in these three markets. In this connection, for example, the best elapsed time in the Columbus-New York market via connecting service at Atlanta is 3 hours and 7 minutes.³ Under Southern's proposed service, that elapsed time is reduced to 2 hours and 37 minutes. Moreover, under our award, Southern will have on-segment skipstop flexibility which will permit the carrier maximum flexibility in tailoring its service to the traffic demands.

We also tentatively find and conclude that an award to Southern of the requested authority will have only a minimal adverse effect on other carriers. Delta does not even allege any diversion of its revenues. Eastern, on the other hand, has alleged that Southern will divert approximately \$1 million of its revenues. It should be noted, however, that Eastern's own figures indicate that Eastern's participation in the traffic in question in 1968 after an award to Southern will still exceed Eastern's 1965 participation in this traffic. Under these circumstances it appears that any adverse effect on Eastern will not be meaningful. Moreover, the revenues which

³ OAG, July 1, 1967.

Eastern claims will be diverted amount to only about one-fourth of 1 percent of Eastern's total system revenues for the year 1966. In any event, we find that the benefits to the public and to Southern of this award outweigh the possible diversion of revenues in these markets from Eastern and Delta.

We tentatively find and conclude that the certificate restrictions which Southern suggests in its petition are reasonable because they will eliminate questions of service in markets extraneous to this proceeding and minimize competition in potentially competitive markets. In addition to agreeing to accept the award on a subsidy-ineligible basis, Southern suggested the following restrictions which we tentatively find required by the public convenience and necessity: A restriction against turnaround service between Washington and New York; a requirement that a minimum of two intermediate points be served in the New Orleans-Washington/New York and Panama City-Washington/New York markets; and a restriction prohibiting single-plane service between Atlanta and Washington, Atlanta and New York, Jacksonville and Washington, and Jacksonville and New York.

Both Delta and Eastern have authority to provide single-plane service in the Columbus-Washington/New York markets. Neither carrier now exercises this authority nor has such service been provided by either carrier in recent years. Although Delta and Eastern were awarded this authority in certificates of public convenience and necessity neither carrier appears to have met the needs of the market. As a result, Columbus has been forced to rely for its Washington and New York service on connecting service at Atlanta. Southern now indicates it is willing to provide the single-plane service. In response, Eastern has now indicated in its answer to Southern's petition that it intends to inaugurate direct jet service in the Columbus-Washington/New York markets in the summer of 1968. We tentatively find and conclude, under circumstances presented here, that the Columbus-Washington/New York markets require only one carrier authorized to provide single-plane service and that the carrier selected to provide the service should be Southern. As indicated above, Southern's proposal will improve service in these markets, reduce Southern's subsidy requirement, and accomplish this without substantial adverse impact on Eastern or Delta. If, Eastern and/or Delta were to institute competitive service with Southern in these two markets, the resultant diversion from the smaller carrier, Southern, would reduce its anticipated subsidy need reduction and would impair Southern's ability to bring to these markets the improved service which we think they deserve. In view of the foregoing, we tentatively find and conclude that the certificates of public convenience and necessity of Delta for Route 24 and Eastern for Routes 5 and 10 should be amended in such a manner to prohibit the operation of single-plane service between Columbus, on the one hand, and Washington, or New York, on the other hand.

In granting interested persons the opportunity to show why our tentative findings and conclusions should not be adopted, 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 objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis.

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 Southern's certificate of public convenience and necessity for Route 98 so as to authorize service, on a nonsubsidy basis, over a new segment extending between the terminal point Eglin Air Force Base, Fla., the intermediate points Dothan, Ala., Columbus, Ga., and Washington, D.C. (to be served through Dulles International Airport), and the terminal point New York, N.Y.-Newark, N.J., including the authority to conduct skip-stop services over the new segment, subject to conditions:

(a) Prohibiting turnaround service between Washington, D.C., and New York, N.Y.-Newark, N.J.;

(b) Requiring service to a minimum of two intermediate points between (i) Washington, D.C., on the one hand, and New Orleans, La., or Panama City, Fla., on the other hand; and (ii) New York, N.Y.-Newark, N.J., on the one hand, and New Orleans, La., or Panama City, Fla., on the other hand (exclusive of Washington, D.C.);

(c) Prohibiting single-plane service between (i) Atlanta, Ga., on the one hand, and Washington, D.C. or New York, N.Y.-Newark, N.J., on the other hand; and (ii) Jacksonville, Fla., on the one hand, and Washington, D.C. or New York, N.Y.-Newark, N.J., on the other hand.

2. 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 the certificates of public convenience and necessity of Delta Air Lines, Inc., for route 24; Eastern Air Lines, Inc., for routes 5 and 10, in such a manner as to prohibit the operation of single-plane service between Columbus, Ga., on the one hand and Washington, D.C., or New York, N.Y., on the other hand;

3. Any interested persons having objection 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 a copy 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. 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: Delta Air Lines, Inc., Eastern Air Lines, Inc., and Southern Airways, 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. 67-11988; Filed, Oct. 10, 1967;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-224]

REGENTS OF UNIVERSITY OF CALIFORNIA

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") has issued Amendment No. 1, effective as of the date of issuance and in the form set forth below, to Facility License No. R-101. The license authorizes the Regents of the University of California to operate a TRIGA Mark III type nuclear reactor on the University's campus at Berkeley.

This amendment authorizes the Regents of the University of California to receive, possess, and use a two (2) curie sealed americium-beryllium neutron source in addition to the presently authorized sources for reactor startup in accordance with their application dated July 11, 1967.

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

For further details with respect to this amendment, see the licensee's application for amendment dated July 11, 1967, and a related Safety Evaluation prepared by the Division of Reactor Licensing which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commis-

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

sion, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 3d day of October 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Re-
actor Licensing.

[License No. R-101; Amdt. 1]

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

a. The application for amendment dated July 11, 1967, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. Operation of the reactor in accordance with the license, as amended, will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. R-101 is hereby amended by revising subparagraph 2.C. in its entirety to read:

"2.C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, 'Rules of General Applicability to Licensing of Byproduct Material', to receive, possess and use the following sealed neutron sources for reactor startup: (1) A 10 curie sealed polonium 210-beryllium neutron source, (2) up to a 5 curie sealed antimony 124-beryllium neutron source; and (3) a 2 curie sealed americium 241-beryllium neutron source, and to possess, but not to separate, such byproduct material as may be produced by operation of the reactor."

This amendment is effective as of the date of issuance.

Date of issuance: October 3, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Reactor
Licensing.

[F.R. Doc. 67-11980; Filed, Oct. 10, 1967;
8:47 a.m.]

[Docket No. 50-288]

REED INSTITUTE (REED COLLEGE) Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on September 15, 1967 (32 F.R. 13149), the Atomic Energy Commission has issued, in the form set forth in that notice, Construction Permit No. CPRR-101 to The Reed Institute (Reed College). This permit authorizes the College to receive, possess, and construct a TRIGA Mark I nuclear reactor on its campus in Portland, Ore.

Dated at Bethesda, Md., this 3d day of October 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Re-
actor Licensing.

[F.R. Doc. 67-11979; Filed, Oct. 10, 1967;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17357-17359; FCC 67M-1655]

AKRON TELERAMA, INC., ET AL.

Order Continuing Hearing

In re petitions by Akron Telerama, Inc., Akron, Ohio, Docket No. 17357, File No. CATV 100-16; Lorain Cable TV, Inc., Lorain, Ohio, Docket No. 17358, File No. CATV 100-128; Telerama, Inc., Cleveland Heights, Richmond Heights, South Euclid, Beachwood, Oakwood, East Cleveland, Garfield Heights, Euclid, Highland Heights, University Heights, Bedford Heights, Maple Heights, Lyndhurst, Bedford and North Randall; also Shaker Heights, Warrensville Heights and Warrensville Township, Ohio, Docket No. 17359, File No. CATV 100-146; for authority pursuant to section 74.1107 of the rules to operate CATV systems in the Cleveland Television Market.

It is ordered, That the hearing in the above-entitled proceeding now scheduled for October 24, 1967, is hereby continued to a date to be specified by subsequent order.

Issued: October 3, 1967.

Released: October 5, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-11992; Filed, Oct. 10, 1967;
8:48 a.m.]

[Docket Nos. 17607, 17608; FCC 67M-1645]

**AMERICANA BROADCASTING CORP.,
AND LOYOLA UNIVERSITY**

Order Following Prehearing Conference

In re applications of Americana Broadcasting Corp., New Orleans, La., Docket No. 17607, File No. BPH-5404; Loyola University, New Orleans, La., Docket No. 17608, File No. BPH-5466; for construction permits.

Pursuant to the agreements on procedural dates reached at the prehearing conference held herein on October 3, 1967; It is ordered, That:

(a) The proposed written exhibits of the applications with respect to the existing issues shall be exchanged among the parties and copies thereof supplied to the Hearing Examiner by November 14, 1967;

(b) Notifications as to witnesses required for cross-examination at the hearing shall be given to counsel concerned by November 21, 1967; and

(c) The hearing heretofore scheduled for November 6, 1967, is postponed to November 28, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

Issued: October 3, 1967.

Released: October 5, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-11993; Filed, Oct. 10, 1967;
8:48 a.m.]

[Docket Nos. 17775, 17776; FCC 67-1092]

BIG BASIN RADIO AND BOONEVILLE BROADCASTING CORP.

Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Wheeler Mayo, trading as Big Basin Radio, Sallisaw, Okla., requests: 1560 kc, 250 w, Day, Docket No. 17775, File No. BP-16915; Booneville Broadcasting Corp., Booneville, Ark., requests: 1560 kc, 500 w, Day, Docket No. 17776, File No. BP-16919; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned mutually exclusive applications; (b) a petition to deny the Booneville application, filed by Gordon Hixson trading as Logan County Broadcasting Co. ("Logan" hereinafter), licensee of Station KCCL, Paris, Ark.; and (c) an opposition by the Booneville applicant.

2. Logan bases its claim of standing on the grounds that the Booneville applicant would compete with KCCL for listeners and advertising revenues and, therefore, a grant of the proposed station would result in economic injury to KCCL. The Commission finds that Logan has standing as a "party in interest" within the meaning of section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(b) of the Commission's rules. *FCC v. Sanders Bros. Radio Station*, 309 U.S. 470, 9 RR 2008 (1940).

3. In its petition, Logan alleges that Logan County (Paris and Booneville are situated in the same county about 15 miles apart) has sustained a 21-percent loss in population between the 1950 and 1960 Census; that Logan County is economically depressed; that the advent of another radio station will cause Logan to lose advertising revenue; and that "damage to the public will occur when, out of dollar necessity, * * * (Logan) must curtail its staff, thus reducing its ability to so render service." In support of these allegations Logan attached to its petition three exhibits signed by KCCL's general manager, Donald Hixson. Each of the exhibits consisted of a brief statement typed on a single piece of KCCL stationery. Exhibit No. 1 gave KCCL's income for the years 1964 and 1965 plus the first half of 1966, and indicated that for those periods income derived from Booneville sources totaled 11.6, 12.4, and 20.3 percent, respectively, of the total. Exhibit No. 2 was entitled "Estimated Loss of Revenue From Specific Accounts in the Booneville Area, in the Event of Another Station Located in Booneville." On the left hand side of the page was a list of 37 businesses with the words "100 percent loss" over the column. On the right hand side was a similar column of 15 firms labeled "50 percent loss." The third exhibit was entitled "Effect of a Radio Station Located in Booneville, Ark., on KCCL Radio in Paris, Ark.," and

¹ While both applications propose a first local service for their respective communities, a grant of both would result in mutual 0.05 and 1 mv/m contour overlap in contravention of the separation requirements of § 73.37(b) of the Commission's rules.

consisted, in the main, of a statement pointing out that the Booneville area accounted for 11 to 20 percent of the station's revenue and that a loss of this income would force KCCL to operate at a loss or so curtail expenses that it would "be unable to furnish proper or complete service to * * * [the] remaining broadcast area."

4. Although the petition fails to cite the case, presumably the petitioner is requesting designation of the Booneville application for hearing on the Carroll issue,² i.e., to determine whether there are sufficient revenues in the area to support another station without a net loss of service to the public, since this issue is the usual basis for economic objections. In *Missouri-Illinois Broadcasting Co.*, FCC 64-748, adopted July 29, 1964, 3 RR 2d 232, the Commission set out the type of specific economic data necessary to support a request for a Carroll issue. This information was to include, inter alia, such items as the total number of businesses in the area; the total volume of retail sales; the number of other advertising media; the number and cost of public service programs carried by the petitioner; and other data related to the economics of broadcasting which would tend to show that the area involved could not support another station without a loss or degradation of program service to the public. Recently, in *Folkways Broadcasting Co., Inc. v. FCC*, 375 F2d 299, 8 RR 2d 2089 (1967), the Court of Appeals held that the Commission could not demand of Carroll petitioners "exact calculation" or "preknowledge of the exact economics of the situation" which would occur after grant. In the case at hand, however, the petitioner has made virtually no effort to support its allegations with specific data. Furthermore, the allegations themselves are far too generally stated. For these reasons, we cannot find that Logan has raised a substantial and material question of fact relevant to the area's ability to sustain another station with a net loss or degradation of service to the public. Accordingly, the petition will be denied.

5. Examination of the above applications indicates that the financial portions are not current. Accordingly, it will be necessary for both applicants to amend their proposals to establish their financial qualifications in hearing, and financial issues will be included. We also note that the Booneville applicant relies to some extent on expected advertising revenue, but has merely filed a list of prospective advertisers, together with the projected amount of revenue alongside each name. If Booneville continues to rely on revenues, it will be necessary for it to submit supporting data.

6. Except as indicated by the issues specified below, the applicants are qualified, but, since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Commu-

² *Carroll Broadcasting Co. v. FCC*, 163 U.S. App. D.C. 346, 258 F2d 440, 17 RR 2006 (1958).

nications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether Wheeler Mayo is financially qualified to construct and operate his proposed station.

3. To determine whether Booneville Broadcasting Corp. is financially qualified to construct and operate its proposed station.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That the petition to deny filed by Gordon Hixson trading as Logan County Broadcasting Co., is hereby denied.

It is further ordered, That, in the event of a grant of either application the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 P.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 27, 1967.

Released: October 5, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-11994; Filed, Oct. 10, 1967;
8:48 a.m.]

² Commissioner Bartley absent; Commissioner Cox abstaining from voting; Commissioner Johnson concurring in the result.

[Docket No. 17433; FCC 67M-1647]

**BRAUN BROADCASTING CO., INC.
(KOAD)**

Order Continuing Hearing

In re application of Braun Broadcasting Co., Inc. (KOAD), Lemoore, Calif., Docket No. 17433, File No. BP-16899; for construction permit.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed under date of October 2, 1967, by Braun Broadcasting Co., Inc.;

It appearing, that the requested continuance is for the purpose of preparing additional engineering data suggested by the Broadcast Bureau and the Bureau, the only other party to the proceeding, has consented to immediate consideration and grant of the said request;

It is ordered, That the said request is granted and the hearing herein presently scheduled for October 12, 1967, is continued to November 14, 1967, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: October 3, 1967.

Released: October 5, 1967.

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

[P.R. Doc. 67-11995; Filed, Oct. 10, 1967;
8:48 a.m.]

[Docket Nos. 17761, 17762; FCC 67-1077]

**CITY OF BROWNSVILLE, TEX., AND
HEMPHILL FLYING SERVICE**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of city of Brownsville, Tex., Docket No. 17761, File No. 139-A-L-77; E. W. Hemphill, doing business as Hemphill Flying Service, Docket No. 17762, File No. 133-A-L-77; for aeronautical advisory station to serve the International Airport, Brownsville, Tex.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the International Airport, Brownsville, Tex., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered*, That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better

aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard the city of Brownsville and Hemphill Flying Service, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: September 27, 1967.

Released: October 5, 1967.

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

[P.R. Doc. 67-11996; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket No. 17774; FCC 67M-1640]

CLEARVIEW TV CABLE, INC.

Order Scheduling Hearing

In re cease and desist order to be directed against the following CATV operator: Clearview TV Cable, Inc., Enumclaw and Buckley, Wash., Docket No. 17774.

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-captioned proceeding; that the hearings therein shall be convened on November 6, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 27, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: October 3, 1967.

Released: October 4, 1967.

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

[P.R. Doc. 67-11997; Filed, Oct. 10, 1967;
8:49 a.m.]

¹ Commissioner Bartley absent.

[Docket No. 15827; FCC 67M-1632]

CREST BROADCASTING CO.**Order Scheduling Further Hearing Conference**

In re application of Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT-3302; for construction permit.

All parties having agreed;

It is ordered, That further hearing is advanced to October 23, 1967, at 10 a.m., and that a further hearing conference shall convene on October 11, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: October 3, 1967.

Released: October 3, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-11998; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket Nos. 17570-17573; FCC 67M-1654]

ELIM BIBLE INSTITUTE, INC., ET AL.**Order Following Prehearing Conference**

In re applications of Elim Bible Institute, Inc., Lima, N.Y., Docket No. 17570, File No. BP-16869; "What the Bible Says, Inc.", Henrietta, N.Y., Docket No. 17571, File No. BP-17001; Oxbow Broadcasting Corp., Geneseo, N.Y., Docket No. 17572, File No. BP-17399; John B. Weeks, Warsaw, N.Y., Docket No. 17573, File No. BP-17400; for construction permits.

Pursuant to agreements on procedural dates reached at the prehearing conference held on October 4, 1967; It is ordered, As follows:

(1) The preliminary exchange of applicants' proposed engineering exhibits shall be made by November 6, 1967;

(2) The final exchange of applicants' proposed engineering exhibits shall be made by November 21, 1967, and the exchange of all remaining proposed exhibits of the applicants under the existing issues (except Issue 9) shall also be made by November 21, 1967;

(3) Notifications as to witnesses required for cross-examination shall be given to counsel concerned by November 29, 1967; and

(4) The hearing heretofore scheduled to commence on October 30, 1967, is postponed to December 5, 1967, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued October 4, 1967.

Released: October 5, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-11999; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket Nos. 17763-17773; FCC 67-1078]

GENERAL TELEPHONE COMPANY OF THE NORTHWEST, INC.**Designating Applications for Consolidated Hearing on Stated Issues**

In re applications of General Telephone Company of the Northwest, Inc., for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Everett, Wash., Docket No. 17763, File No. 5661-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Deer Creek Flat near Index, Wash., Docket No. 17764, File No. 5662-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Maloney Lookout near Skykomish, Wash., Docket No. 17765, File No. 5663-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Stevens Pass near Scenic, Wash., Docket No. 17766, File No. 5664-C1-P-66; General Telephone Company of the Northwest, for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Richland, Wash., Docket No. 17767, File No. 5665-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Sentinel Mountain near Beverly, Wash., Docket No. 17768, File No. 5666-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Quincy, Wash., Docket No. 17769, File No. 5667-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Horse-lake Mountain near Wenatchee, Wash., Docket No. 17770, File No. 5668-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Miners Ridge near Lake Wenatchee Resort Area, Wash., Docket No. 17771, File No. 5669-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Wenatchee, Wash., Docket No. 17772, File No. 5670-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Lake Wenatchee near Plain, Wash., Docket No. 17773, File No. 5671-C1-P-66.

1. The Commission has before it (a) the above-captioned applications for new common carrier microwave radio facilities filed by General Telephone Company of the Northwest, Inc. (General, Inc. or applicant), and General Telephone Company of the Northwest (General or applicant); (b) a petition to deny the applications, timely filed on June 14, 1966 by Pacific Northwest Bell Telephone Co. (Bell or petitioner); (c) a joint opposition to said petition, timely filed on

June 29, 1966, by the applicants; and (d) a reply, timely filed on July 11, 1966, by Bell.

2. The subject applications propose to establish point-to-point microwave radio facilities for common carrier communications services between Everett, Wash., and Richland, Wash., and various intermediate points. The proposed system would provide data transmission, voice communications, and "special" services, with General, Inc., operating the portion from Everett to Stevens Pass, Wash., and General the portion from Miners Ridge to Richland, Wash. Also included are spurs between Miners Ridge and Lake Wenatchee, Wash., and between Horse-lake Mountain, Wash., and Wenatchee which would be operated by General.

3. Bell is a communications common carrier which operates numerous wire line, cable, and radio communications facilities in and through the State of Washington. It alleges (1) that the proposed facilities substantially duplicate existing facilities operated by Bell which are adequate to fulfill the current and projected public needs, and (2) that grant of the applications would not serve the public interest in that it would tend to increase costs to the public and unnecessarily crowd the radio spectrum. In their opposition, applicants contend (1) that Bell has not shown itself to be a "party in interest" within the meaning of section 309(d) of the Communications Act of 1934, as amended, and § 21.27(c) of the Commission's rules; (2) that there is a public need for the proposed services; and (3) that the facilities of Bell are not adequate to provide these services. Bell, in its reply, contradicts these allegations.

4. Bell has submitted a map indicating the locations of the various radio, wire, and cable facilities it operates in and around the area that applicants propose to serve. It further alleges that these facilities have spare capacity adequate to provide for the future requirements of applicants' subscribers in the area as well as its own. Although contending that the Bell facilities are incomplete or inadequate, applicants do not deny the existence of such facilities. On the basis of these facts and other information on file with the Commission, it appears that the proposed microwave stations may significantly duplicate the existing facilities of Bell. Therefore, we are unable to make a positive finding, on the basis of the information before us, that construction of the proposed facilities would be in the public interest.

5. There is some doubt as to whether Bell has established itself as a party in interest by alleging facts sufficient to show that grant of the applications would be likely to result in some injury of a direct, tangible and substantial nature. However, this question need not be resolved since, as noted above, there is sufficient evidence of possible wasteful duplication of facilities to require a hearing. Accordingly, we, on our own motion, are designating the applications for hearing on the issues set forth. Aside from these issues, we find that applicants are

legally, technically, financially, and otherwise qualified to render the services that they have proposed.

6. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for consolidated hearing at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine the nature and extent of the communications facilities and services proposed by applicants, including the rates, charges, practices, classifications, regulations, facilities, and personnel pertaining thereto;

(b) To determine the nature and extent of existing communications facilities and services rendered by Pacific Northwest Bell Telephone Co. in the area and between the points proposed to be served by applicants, including the rates, charges, practices, classifications, regulations, facilities, and personnel pertaining thereto;

(c) To determine the extent to which duplication would result from establishment of the proposed facilities;

(d) To determine the communities and entities which may be expected to receive service from the proposed facilities and the public need for such services;

(e) To determine the nature and extent of any benefits to the public which would accrue as a result of authorizing applicants' proposed facilities and services;

(f) To determine the nature and extent of any disadvantages to the public which would accrue as a result of authorizing applicants' proposed facilities and services;

(g) To determine, in light of the evidence adduced on the foregoing issues, whether a grant of the subject applications would serve the public interest, convenience or necessity.

7. It is further ordered, That Pacific Northwest Bell Telephone Co. and the Chief, Common Carrier Bureau are made parties to the proceeding.

8. It is further ordered, That the burden of proof upon all of the issues, except issues (b), (c), and (f), shall be upon the applicants, and that the burden of proof upon issues (b), (c), and (f) shall be upon Bell.

9. It is further ordered, That the parties desiring to participate herein shall file their appearances in accordance with § 1.221 of the Commission's rules.

Adopted: September 27, 1967.

Released: October 6, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-12000; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket Nos. 17778, 17779; FCC 67-1094]

**GRAYSON TELEVISION CO., INC.,
AND HERCULES BROADCASTING CO.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of Grayson Television Co., Inc., Sacramento, Calif., Docket No. 17778, File No. BPCT-3698; Hercules Broadcasting Co., Sacramento, Calif., Docket No. 17779, File No. BPCT-3812; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 15, Sacramento, Calif.

2. With respect to the issues set forth below, the following considerations are relevant:

(a) Based on information contained in the application of Grayson Television Co., Inc., cash of approximately \$481,000 will be required for the construction and first-year operation of the proposed station.¹ To meet the cash requirements the applicant relies on stock subscription agreements from financially qualified subscribers in the amount of \$187,500 and a loan from Wells Fargo Bank for \$300,000 which does not meet the requirements of section III, paragraph 4(h), FCC Form 301. Accordingly, a financial issue has been specified.

(b) Based on information contained in the application of Hercules Broadcasting Co., cash of approximately \$743,000 will be required for the construction and operation of the proposed station.² To meet the cash requirements the applicant relies on the availability of \$50,000 in existing capital and loan from the Bank of America for \$750,000. The bank letter does not meet the requirements of section III, paragraph 4(h), FCC Form 301, in that it is not a firm commitment to lend the funds. Accordingly, a financial issue has been specified regarding the bank loan.

3. Sidney A. Grayson is president, director, and, with his wife, 25 percent stockholder in Grayson Television Co., Inc. Mr. Grayson has been indicted by the Grand Jury for the U.S. District Court for the Northern District of Texas, Wichita Falls Division, for alleged violations of the income tax laws of the United States. As the indictment involves alleged criminal acts in connection with the operation of Television Broadcast Sta-

tion KSYD-TV, Wichita Falls, Tex.,³ the Commission is unable to make a determination at this time as to whether the applicant has the requisite qualifications to be a broadcast licensee. The Commission has decided, therefore, to order that in the event that the Hearing Examiner determines that Grayson Television Co., Inc., is the preferred applicant, the Hearing Examiner shall withhold his initial decision until notified by the applicant of the result of the criminal proceedings against Mr. Grayson, and upon notification indicating that Mr. Grayson has not been acquitted, to add such further issues and to hold such further proceedings as may be necessary to determine the qualifications of the applicant.

4. Mr. Dale Flewelling is vice president and 14 percent stockholder of applicant, Grayson Television Co., Inc., and sole owner of Radio Broadcast Station KXRQ(FM), Sacramento, Calif. This station paid a forfeiture of \$500 on December 12, 1966, for violations of the Commission's rules. The Commission's field inspections continue to raise serious questions as to whether KXRQ(FM) is being operated in accordance with the Commission's technical rules, whether Mr. Flewelling exercises the necessary degree of control and supervision required of a licensee, and whether the licensee consented to, acquiesced in, or was in any manner responsible for falsification of maintenance logs. Accordingly, an issue has been specified as to whether the applicant has the requisite qualifications to be a broadcast licensee. Mr. Flewelling, as licensee of Radio Broadcast Station KXRQ(FM), will be made a party to the hearing so that the evidence adduced will be res adjudicata as to him in connection with any further proceedings which may be instituted against him with respect to the operation of Radio Broadcast Station KXRQ(FM).

5. Except as indicated by the issues set forth below, each of the applicants is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Grayson Television Co., Inc., and Hercules Broadcasting Co. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues.

³The station now operates under the call letters of KAUZ-TV. Mr. Grayson sold his interest in the station in 1963.

¹Consisting of down payment on equipment (\$150,244), curtails (\$89,311), interest (\$3,572), other items (\$10,000), interest on bank loan (estimated at 6 percent) \$18,000, loan curtails (\$60,000), first-year operating expenses (\$150,000).

²Consisting of down payment on equipment (\$147,325), curtails and interests (\$128,173), buildings and other items (\$60,000), first-year operating expenses (\$407,500).

1. To determine with respect to the application of Grayson Television Co., Inc.:

(a) The terms, conditions, and security, if any, required in connection with the proposed loan of \$300,000 from Wells Fargo Bank, Sacramento, Calif.

(b) Whether in light of the evidence adduced pursuant to the foregoing, Grayson Television Co., Inc., is financially qualified.

(c) Whether in connection with his ownership and operation of Radio Broadcast Station KXRQ(FM), Sacramento, Calif., Mr. Dale Flewelling has taken appropriate action to insure compliance with the Commission's technical rules, §§ 73.252, 73.261, 73.264(a), 73.265(a), 73.265(b), 73.265(c), 73.265(e), 73.267(b), 73.281(a), 73.281(b), 73.284(a)(2), 73.284(b), and 73.317(b)(3).

(d) Whether, in connection with his ownership and operation of Radio Broadcast Station KXRQ(FM), Sacramento, Calif., Mr. Dale Flewelling has exercised the degree of control and supervision required of a broadcast licensee.

(e) Whether, in connection with his ownership and operation of Radio Broadcast Station KXRQ(FM), Sacramento, Calif., Mr. Dale Flewelling consented to, acquiesced in or was in any manner responsible for falsification of maintenance logs.

(f) Whether, in light of the evidence adduced pursuant to (c), (d), and (e), above, the applicant has the requisite qualifications to be a broadcast licensee.

2. To determine with respect to the application of Hercules Broadcasting Co.:

(a) Whether the loan of \$750,000 from the Bank of America will be available, and, if so, the terms, conditions, and security, if any, required in connection therewith.

(b) Whether in light of the evidence adduced pursuant to the foregoing, Hercules Broadcasting Co. is financially qualified.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That in the event that the Hearing Examiner determines that Grayson Television Co., Inc., is the preferred applicant, the Hearing Examiner shall withhold issuance of an initial decision pending notification by Grayson Television Co., Inc., in accordance with § 1.65 of the Commission's rules, of the final decision in the proceedings in *United States v. Sidney A. Grayson*, Criminal Nos. 7-41 and 7-42, now pending in the U.S. District Court for the Northern District of Texas, Wichita Falls Division, and upon notification that Mr. Grayson has not been acquitted, to add such further issues and to hold such further proceedings as may be necessary to determine the qualifications of the applicant.

It is further ordered, That, Mr. Dale Flewelling, licensee of Radio Broad-

cast Station KXRQ(FM), Sacramento, Calif., is made a party respondent in this proceeding and that the evidence adduced shall be res adjudicata in connection with any further proceedings which the Commission may subsequently institute with respect to his ownership and operation of Station KXRQ(FM).

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 27, 1967.

Released: October 4, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-12001; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket Nos. 17778, 17779; FCC 67M-1652]

**GRAYSON TELEVISION CO., INC., AND
HERCULES BROADCASTING CO.**

Order Scheduling Hearing

In re applications of Grayson Television Co., Inc., Sacramento, Calif., Docket No. 17778, File No. BPCT-3698; Hercules Broadcasting Co., Sacramento, Calif., Docket No. 17779, File No. BPCT-3812; for construction permit for new television broadcast station (Channel 15).

It is ordered, That Chester F. Naimowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 19, 1967, at 10 a.m.; and that a prehearing conference shall be held on October 25, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: October 3, 1967.

Released: October 5, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-12002; Filed, Oct. 10, 1967;
8:49 a.m.]

¹ Commissioner Bartley absent.

[Docket No. 17365; FCC 67M-1644]

**GREAT SOUTHERN BROADCASTING
CO.**

Order Continuing Hearing

In re application of William O. Barry trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 17365, File No. BP-16707; for construction permit.

Upon a "Motion for Extension of Time" duly filed on September 27, 1967, by the above applicant, and without objection on the part of any other party: *It is ordered*, That the above motion is granted, and the following dates shall supersede those presently scheduled for further proceedings in this case:

Preliminary exchange of exhibits presently scheduled for September 27, 1967, is continued to October 30, 1967;

Final exchange of exhibits presently scheduled for October 5, 1967, is continued to November 8, 1967;

Notification of witnesses presently scheduled for October 11, 1967, is continued to November 15, 1967; and

Hearing presently scheduled for October 18, 1967, is continued to November 20, 1967.

Issued: October 3, 1967.

Released: October 5, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-12003; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket Nos. 17243-17250; FCC 67M-1656]

**KITTYHAWK BROADCASTING CORP.
ET AL.**

Order Continuing Hearing

In re application of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603; The Gem City Broadcasting Co., Kettering, Ohio, Docket No. 17244, File No. BP-16877; Western Ohio Broadcasting Service, Inc., Eaton, Ohio, Docket No. 17245, File No. BP-16816; Treaty City Radio, Inc., Greenville, Ohio, Docket No. 17246, File No. BP-16881; James L. Schmalz, Phyllis Ann Schmalz, James I. Toy, Jr., and Thomas A. Galmeyer, doing business as Bloomington Broadcasting Co., Bloomington, Ind., Docket No. 17247, File No. BP-16876; Voice of the Ohio Valley, Inc., Louisville, Ky., Docket No. 17248, File No. BP-16878; W. V. Ramsey and Lewis Young, doing business as Shively Broadcasting Co., Shively, Ky., Docket No. 17249, File No. BP-16738; Albert S. Tedesco (WWCM), Brazil, Ind., Docket No. 17250, File No. BP-16669; for construction permits.

It is ordered, That the hearing in the above-entitled proceeding now scheduled for October 23, 1967, is hereby continued

to a date to be specified by subsequent order.

Issued: October 3, 1967.

Released: October 5, 1967.

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

[F.R. Doc. 67-12004; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket No. 17626; FCC 67M-1660]

**NATCHEZ BROADCASTING CO.
(WMIS)**

**Order Continuing Prehearing
Conference**

In re application of Natchez Broadcasting Co. (WMIS), Natchez, Miss., Docket No. 17626, File No. BP-16963; for construction permit.

The Chief Hearing Examiner having under consideration a motion in behalf of Broadcast Service, Inc. (WHNY), filed October 4, 1967, that the prehearing conference heretofore scheduled for October 10, 1967, in the above-entitled proceeding, be continued to October 27, 1967, or, in the alternative, to some date following action by the Review Board on a pending petition to enlarge the issues herein;

It appearing, that the continuance sought is not opposed by any of the parties to the proceeding;

It appearing further, that it is appropriate in the circumstances here shown to postpone the prehearing conference in the proceeding to the date specified by the moving party, but not for an indefinite period of time;

It is ordered, That the motion is granted, and that the prehearing conference in the above-entitled proceeding is hereby continued from October 10 to October 27, 1967.

Issued: October 5, 1967.

Released: October 5, 1967.

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

[F.R. Doc. 67-12005; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket No. 17752]

RUDOLPH G. PAOLUCCI

Order Designating Matter of Suspension For Hearing

In the matter of Rudolph G. Paolucci, 221 Powers Ferry Road, Marietta, Ga. 30062, Docket No. 17752; suspension of restricted radiotelephone operator permit.

The Commission, by the Chief of its Field Engineering Bureau, has under consideration the suspension of the restricted radiotelephone operator permit issued September 8, 1966, to Rudolph G. Paolucci.

In accordance with the provisions of section 303(m)(2) of the Communica-

tions Act of 1934, as amended, Paolucci filed with the Commission a timely request for hearing on the Commission's order released August 14, 1967, suspending for 1 year his restricted radiotelephone operator permit.

Under the provisions of section 303(m)(2) of the Communications Act of 1934, as amended, Rudolph G. Paolucci is entitled to a hearing in this matter and by filing a timely request for a hearing, the Commission's order of suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, Under authority contained in section 303(m)(2) of the Communications Act of 1934, as amended, and § 0.311(a)(5) of the Commission's rules, that the matter of the suspension of the restricted radiotelephone operator permit of Rudolph G. Paolucci is hereby designated for hearing at a time and place before a hearing examiner to be specified by further order of the Commission, upon the following issues.

1. To determine whether Citizens Radio Station KMM-2286, licensed to Rudolph G. Paolucci doing business as Powers Ferry American,

a. On March 9, 11, 12, 14, 16, 17, 18, 19, 20, and 23, 1967, was operated with an antenna in excess of the maximum authorized height, in violation of § 95.37(c) of the Commission's rules; and

b. On March 9, 11, 12, 16, 19, and 20, 1967, was operated on a frequency not authorized for the use of Citizens (Class D) radio stations, in violation of § 95.41(d)(1) of the Commission's rules; and

c. On March 9, 11, 14, 16, 17, 18, 19, 20, 21, and 23, 1967, was used for the transmission of communications to a unit of another Citizens radio station on a frequency reserved for communications between units of the same radio station, in violation of § 95.41(d)(2) of the Commission's rules; and

d. On February 2, 1966, was operated on a frequency beyond tolerance from the assigned frequency, in violation of § 95.45 of the Commission's rules; and

e. On March 20, 1967, was operated with amplitude modulation of the carrier in excess of 100 percent, in violation of § 95.51(a) of the Commission's rules; and

f. On October 10, 1965, and March 9, 11, 12, 14, 16, 17, 18, 19, 20, 21, and 23, 1961, was used as a hobby or diversion; i.e., as an activity in and of itself, in violation of § 95.83(a)(1) of the Commission's rules; and

g. On March 9, 11, 12, 14, 16, 18, 19, 20, and 23, 1967, was used for the transmission of communications to an unlicensed station, in violation of § 95.83(a)(5) of the Commission's rules; and

h. On March 9, 11, 12, 18, 19, and 20, 1967, was used for the transmission of sound effects, in violation of § 95.83(a)(11) of the Commission's rules; and

1. On November 12, 1965, and March 11, 1967, was used for transmitting communications to stations of other licensees which related to the technical performance, capabilities or testing of radio equipment, in violation of § 95.83(a)(13) of the Commission's rules; and

j. On March 11, 1967, was used for advertising or soliciting the sale of goods or services, in violation of § 95.83(a)(15) of the Commission's rules; and

k. On March 16, 1967, was used to communicate, or attempt to communicate, over a distance of more than 150 miles, in violation of § 95.83(b) of the Commission's rules; and

1. On March 21, 1967, was operated by an individual who was formerly a Citizens radio station licensee and whose license had been revoked by the Commission, in violation of § 95.87(c) of the Commission's rules; and

m. On March 11, 1967, was used to communicate with another Citizens radio station for a period exceeding 5 consecutive minutes, in violation of § 95.91(b) of the Commission's rules; and

n. On March 11, 14, and 18, 1967, was used to communicate with other Citizens radio stations without observing a 5-minute silent period between communications, in violation of § 95.91(b) of the Commission's rules; and

o. On October 10 and November 12, 1965, and March 9, 11, 12, 14, 16, 17, 18, 19, 20, 21, and 23, 1967, was not identified by its assigned call sign at the beginning and conclusion of each exchange of communications, in violation of § 95.95(c) of the Commission's rules; and

2. To determine whether Radio Station KGS-248 in the Business Radio Service, licensed to R. G. Paolucci,

a. On April 18, 1967, was equipped with a transmitter of a type not included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use in the Business Radio Service, in violation of § 91.109(b) of the Commission's rules; and

b. On March 9, 11, 12, 16, 19, and 20, 1967, was used for the transmission of communications not essential to the efficient conduct of that portion of the enterprise for which the licensee is eligible to hold a station license, in violation of § 91.151(a)(2) of the Commission's rules; and

c. On March 12, 16, and 20, 1967, was used to communicate with other licensed stations in circumstances which did not require cooperation or coordination of activities, in violation of § 91.151(c)(4) of the Commission's rules; and

d. On March 9, 11, 12, 19, and 20, 1967, was used to communicate with an unlicensed radio station, in violation of § 91.151(c)(4) of the Commission's rules; and

e. On March 9, 11, 12, 16, 19, and 20, 1967, was not identified by its assigned call sign at the times and in the manner prescribed by the Commission's rules, in violation of § 91.152 of the Commission's rules; and

f. On April 18, 1967, the records of Business Radio Station KGS-248 did not contain entries of the required transmitter measurements, in violation of § 91.160(a) of the Commission's rules; and

g. On April 18, 1967, the records of Business Radio Station KGS-248 did not contain the entries required when service or maintenance has been performed,

in violation of § 91.160(b) of the Commission's rules; and

h. On April 18, 1967, the records of Business Radio Station KGS-248 did not contain daily operator records for the period prior to February 21, 1967, nor for the period subsequent to March 17, 1967, in violation of § 91.160(c) of the Commission's rules; and

3. To determine whether Rudolph G. Paolucci for a period of approximately 1 year prior to April 1967, operated a radio station on frequencies designated for the use of stations in the Aviation Radio Service without a valid station license authorizing him to operate such radio station, in violation of section 301 of the Communications Act of 1934, as amended.

4. To determine in the light of the evidence adduced in the preceding issues whether the terms of the original Order of Suspension should be made final, rescinded, or modified.

It is further ordered, That the Secretary shall send a copy of this order by airmail to Rudolph G. Paolucci at his last known address of 1784 Roswell Road, Marietta, Ga., and 221 Powers Ferry Road, Marietta, Ga. 30062.

Adopted: September 26, 1967.

Released: September 27, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-12006; Filed, Oct. 10, 1967;
8:49 a.m.]

[Docket Nos. 17591-17593; FCC 67R-422]

QUEST FOR LIFE, INC., ET AL.

Memorandum Opinion and Order
Enlarging Issues

In re applications of Quest for Life, Inc., Rockford, Ill., Docket No. 17591, File No. BPH-5601; Greater Rockford Sound, Inc., Rockford, Ill., Docket No. 17592, File No. BPH-5647; Belvidere Broadcasting Co., Inc., Belvidere, Ill., Docket No. 17593, File No. BPH-5755; for construction permits.

1. This proceeding, in which each of the above-captioned applicants is requesting authority to construct a new FM broadcast station, was designated for hearing by order, FCC 67-827, released July 25, 1967. Now before the Review Board is a motion to enlarge issues, filed by Belvidere Broadcasting Co., Inc. (Belvidere), on August 14, 1967, wherein issues are requested to determine whether the principals of Quest for Life, Inc. (Quest), or the principals of Greater Rockford Sound, Inc. (Greater Rockford), have engaged in prohibited *ex parte* presentations, and issues inquiring into the staffing proposal and financial qualifications of Greater Rockford;¹ and

a motion to delete issue, filed by Belvidere on the same date, requesting that the Board delete an air hazard issue (Issue 1) with regard to its proposal.² The requests will be treated *seriatim*.

Ex parte issues. 2. To support the requested issue against Quest, Belvidere relies on a letter from an officer of Quest published on January 28, 1967, in a letter to the editor section of a Rockford newspaper. The letter discusses the two Rockford proposals, and concludes by requesting Rockford residents to "support us with letters and prayers." With regard to Greater Rockford, Belvidere relies on another letter published in the letters to the editor column of the same newspaper on February 7, 1967, attempting to answer Quest's letter; and on a letter, dated January 9, 1967, allegedly sent by Greater Rockford's president to area residents which discusses the merits of the Greater Rockford proposal *vis-a-vis* the Quest proposal, and solicits support in the form of letters to the FCC. A sample format for the requested letters to the FCC is included. Opposing this request, Greater Rockford points out that the letter published in the newspaper was in answer to Quest's previous letter, and contends that the January 9, 1967 letter "is nothing more or less than an announcement of the facts concerning the application", and merely requested "a survey to show what type of programming people felt was needed in the Rockford area * * *."

3. Quest's letter, published in the newspaper, may have technically been a prohibited presentation, under §§ 1.1223 and 1.1225 of the rules, since it solicits support and was not served on its opponent. However, as a matter of fact, it is clear that its then only opponent³ was aware of the letter (as evidenced by its reply letter) and Quest must have realized that its opponent, an applicant in the same community, would be apprised of the letter. It is doubtful, therefore, that an "*ex parte*" presentation was intended. In addition the solicitation for "prayers and letters" is so vague and indefinite that it can hardly be called an attempt to solicit "others to make any presentation which he [the applicant] is himself prohibited from making." Section 1.1225 of the rules. Under these circumstances, no issue is warranted against Quest. Compare Brandywine Main Line Radio, Inc., FCC 67R-224, 8 FCC 2d 347. Greater Rockford's January 9, 1967, letter, on the other hand, explicitly requests support in the form of letters to the FCC after setting forth various reasons why its proposal is allegedly superior to that of the other Rockford applicant. Moreover, unlike the published letters, there is no reason to believe that Quest was or should have been aware of these tactics. Nor is there any indication of how many of these

letters were sent, or to whom they were sent. Greater Rockford's explanation; i.e., that it merely desired a survey to show what type of programming was desired in Rockford, does not comport with the contents of the letter,⁴ and therefore cannot be accepted in the absence of an evidentiary inquiry. We will therefore specify an issue under which this matter can be explored at the hearing.

Staffing issue. 4. In support of this request, Belvidere states that Greater Rockford proposes to operate 63 hours per week with a staff of two employees. Greater Rockford has not, Belvidere asserts, furnished the Commission with any information to enable it to conclude that an adequate staff is proposed. The Board agrees that in view of the very limited staff proposed by Greater Rockford it was incumbent on it to furnish detailed information explaining how the two employees would perform the various functions and duties of the station. Cf. the News-Sun Broadcasting Co., FCC 67R-237, 8 FCC 2d 540. No such showing is made or even attempted, however, in Greater Rockford's responsive pleading. An issue will therefore be specified to determine whether the staff proposed by Greater Rockford is adequate to effectuate its proposal.

Financial issue. 5. To support the requested financial issue, Belvidere points out that Greater Rockford's application reflects that it will require \$17,107 for construction and \$7,730 to operate for 1 year, or a total of \$24,837; and contends that it has available only \$21,769.94 (\$13,000 in existing capital and \$8,769.94 in funds on deposit), since an \$8,627 deferred credit on equipment (listed in the application) is not supported by a letter from the equipment suppliers. Belvidere also challenges certain equipment and construction costs listed by Greater Rockford based on comparisons of cost figures with the other applicants in this proceeding; contends that the \$1,390 listed for "other items" is too low; and contends that this applicant has not allocated any funds for salary.

6. Belvidere's contentions in this regard overlook an amendment to Greater Rockford's application filed on February 16, 1967. In this amendment, Greater Rockford specified salaries of \$5,000 for each of its two prospective employees, thereby increasing its estimated total costs to \$34,837. In addition, the amendment added a \$25,000 bank loan commitment. Thus, it appears that Greater Rockford will have available \$46,769.44 (the amount originally shown in the application plus the bank loan) to meet costs of construction and first year's operation. We do not regard the fact that other applicants have specified higher cost figures for certain items of equipment and construction as adequate to raise a substantial question regarding the figures listed by Greater Rockford

¹ The following related pleadings are also before the Board: (a) Opposition, filed by Greater Rockford on Aug. 29, 1967; (b) Broadcast Bureau's comments, filed on Aug. 29, 1967; and (c) reply, filed by Belvidere on Sept. 11, 1967.

² Comments of the Broadcast Bureau on the motion to delete issue were filed on Aug. 29, 1967.

³ Belvidere's application was not filed until Mar. 6, 1967. Quest's application was filed on Nov. 12, 1966; and Greater Rockford's application was filed on Dec. 1, 1966.

⁴ The sample format which Greater Rockford urged the recipients of the letter to send to the FCC contains the following language: "this letter is to inform you [the FCC] that I support the application of Greater Rockford * * *."

in the absence of specific allegations indicating that Greater Rockford's cost figures are unrealistic; and the surplus of approximately \$12,000 which Greater Rockford has shown it has available is sufficient to cover any reasonable increase (if in fact there is a deficiency) in the amount allotted for "other items". We conclude that there is no basis for the addition of a financial issue.¹

Air hazard issue. 7. Belvidere requests the deletion of the air hazard issue specified against it based on a letter submitted with its motion from an official of the FAA, dated August 4, 1967, which states, in part, that the tower proposed by Belvidere would not be a hazard to air navigation. The Broadcast Bureau opposes the requested deletion. Except in unusual circumstances, the Review Board has followed a policy of refusing to delete issues based on material contained in pleadings or post-designation amendments. See, e.g., Nebraska Rural Radio Association, FCC 65R-158, 5 RR 2d 43; and Charles W. Jobbins, FCC 65R-199, 5 RR 2d 760. Belvidere has proffered no unusual circumstances which would compel us to deviate from that policy here. The motion to delete will therefore be denied.

Accordingly, it is ordered, That the motion to delete issue, filed by Belvidere Broadcasting Co., Inc., on August 14, 1967, is denied; and that the motion to enlarge issues, filed by that applicant on the same date is granted to the extent indicated below, and denied in all other respects;

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Greater Rockford Sound, Inc., or any of its principals have engaged in conduct prohibited by §§ 1.1223 and 1.1225 of the rules, and, if so, what effect such conduct has on the qualifications of this applicant.

(b) To determine whether the staff proposed by Greater Rockford Sound, Inc., is adequate to effectuate its proposal.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the added issues will be on Greater Rockford Sound, Inc.

Adopted: October 2, 1967.

Released: October 5, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-12007; Filed, Oct. 10, 1967;
8:49 a.m.]

¹ Board Member Kessler dissenting regarding ex parte with statement; Board Member Pincock absent.

² Belvidere also argues that a financial issue is required in view of Greater Rockford's alleged staffing deficiencies. At such time as it appears that Greater Rockford's proposed staff will have to be substantially increased, and that this increase will affect its financial qualifications, a request for enlargement will be entertained. However, it would be premature to add an issue now based on this possibility. See *Du Page County Broadcasting, Inc.*, FCC 67R-314, 9 FCC 2d 210.

[Docket Nos. 17472, 17473; FCC 67M-1657]

RADIO STATIONS KNND AND KRKT AND ALBANY RADIO CORP.

Order Continuing Hearing

In re applications of Peter Ryan and Milton Viken doing business as Radio Stations KNND and KRKT, Albany, Oreg., Docket No. 17472, File No. BPH-5321; Albany Radio Corp., Albany, Oreg., Docket No. 17473, File No. BPH-5436; for construction permits.

Pursuant to the arrangement for a change in hearing date made at the further prehearing conference held on October 4, 1967, which change has been necessitated by unanticipated conflicts in the commitments of counsel for Albany Radio Corp.: It is ordered, That the hearing heretofore scheduled for October 10, 1967, is postponed to November 2, 1967 at 10 a.m., in the offices of the Commission, Washington, D.C.

Issued: October 4, 1967.

Released: October 5, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-12008; Filed, Oct. 10, 1967;
8:50 a.m.]

[Docket No. 17777; FCC 67-1093]

TRI-STATE BROADCASTING CO., INC. (KUPD)

Memorandum Opinion and Order Designating Application for Hear- ing on Stated Issues

In re application of Tri-State Broadcasting Co., Inc. (KUPD), Tempe, Ariz., Docket No. 17777, File No. BP-16895; Has: 1060 kc, 500 w, DA-1, U, Requests: 1060 kc, 10 kw, 50 kw-LS, DA-2, U; for construction permit.

1. The Commission has before it for consideration the above application and a "Petition To Dismiss Application or for Other Relief" filed November 2, 1966, by Camelback Broadcasting, Inc., the licensee of Station KXIV, Phoenix, Ariz.

2. The aforementioned petition is actually a pregrant petition to deny and requests designation of the KUPD application for hearing on issues relating to the Commission's Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. The petition, however, was not filed prior to the published "cut-off" date (Aug. 15, 1966) of the KUPD application. Thus, Camelback has failed to meet the requirements of § 1.580(d) of our rules and its petition will be dismissed as untimely. Nevertheless, on our own motion and for the reasons stated below, the Commission will designate the KUPD application for hearing and make Camelback a party to the proceeding.

3. The cities of Tempe and Phoenix are contiguous and have 1960 Census populations of 24,897 and 439,170, respectively. According to the applicant's data, its present 5 mv/m contour covers the entire

city of Phoenix. The proposed KUPD 5 mv/m contour would greatly expand this 5 mv/m coverage to encompass all adjacent suburban areas as well as extensive rural area. Under these circumstances, a presumption that the applicant is realistically proposing to serve Phoenix arises under the Policy Statement, supra, Madison County Broadcasting Co., Inc., 5 FCC 2d 674, recon. den. 8 FCC 2d 752, 10 RR 2d 587 (1967). In an amendment filed January 25, 1967, the applicant submitted data and arguments in an attempt to rebut the aforementioned presumption. After careful study of this material, however, the Commission finds that KUPD has failed to overcome the presumption and that a hearing must be held to explore the matter further.

4. Except as indicated by the issues specified below, the applicant is qualified but, in view of the foregoing, the Commission is unable to find that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KUPD and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of KUPD will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programming needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programming needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to the foregoing issue that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely, Phoenix, Ariz.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application

would serve the public interest, convenience and necessity.

It is further ordered, That, Camelback Broadcasting, Inc., licensee of Station KXIV, Phoenix, Ariz., is made a party to the proceeding.

It is further ordered, That the "Petition to Dismiss Application or For Other Relief" by Camelback Broadcasting, Inc., is hereby dismissed.

It is further ordered, That in the event of a grant of this application, the construction permit shall contain the following conditions:

Any presurise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

A study, based upon variations in phase and magnitude of current in the individual antenna towers after initial adjustment of the nighttime array, must be submitted with the application for license to indicate clearly that the inverse distance field strength at 1 mile can be maintained within the maximum expected operating values of radiation specified in the radiation pattern. Allowable deviations in phase and current determined from this study will be incorporated in the instrument of authorization.

A properly designed phase monitor of sufficient accuracy and resolution shall be installed in the transmitter room, and shall be continuously available as a means of indicating that the relative phase and current ratios of the antenna towers are maintained within the maximum allowable deviation values indicated in the authorization.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 27, 1967.

Released: October 6, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-12009; Filed, Oct. 10, 1967;
8:50 a.m.]

¹ Commissioner Bartley absent.

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND LYKES BROS. STEAMSHIP CO., INC.

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 set forth below) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. E. W. Patterson, Traffic Manager, African Line, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La. 70112.

Agreement 9659, between Farrell Lines Inc., and Lykes Bros. Steamship Co., Inc., establishes a through billing arrangement for movement of cargo between ports in the Somali Republic and U.S. Atlantic and Gulf Coast Ports with transshipment at Capetown, Durban, Lourenco Marques, Beira, Dar es Salaam, or Zanzibar in accordance with terms and conditions set forth in said agreement.

Dated: October 6, 1967.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 67-12018; Filed, Oct. 10, 1967;
8:50 a.m.]

MARYLAND PORT AUTHORITY AND STOCKARD SHIPPING AND TER- MINAL CORP.

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 15 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 set forth below), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Philip G. Kraemer, Maryland Port Authority, Pier 2, Pratt Street, Baltimore, Md. 21202.

Agreement No. T-2087 between the Maryland Port Authority (MPA) and Stockard Shipping and Terminal Corp. (Stockard) provides for a 10-month lease to Stockard of certain property at Locust Point, Baltimore, to be used as a marine terminal. The amount of rental is based on the tonnage handled over the facility, computed pursuant to a schedule set forth in the agreement. Stockard agrees to file its tariffs with the Federal Maritime Commission. The agreement is subject to all the terms and conditions of Agreement No. T-32 between MPA and the Baltimore and Ohio Railroad.

Dated: October 6, 1967.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 67-12019; Filed, Oct. 10, 1967;
8:50 a.m.]

TRANS-PACIFIC FREIGHT CONFER- ENCE (HONG KONG)

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 10 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 set forth below) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. Dick, Chairman, Trans-Pacific Freight Conference (Hong Kong), P & O Building, 17th Floor, 77 Des Voeux Road Central, Hong Kong, B.C.C.

Agreement 14-25, between the member lines of the Trans-Pacific Freight Conference (Hong Kong), modifies the conference agreement by deleting Canadian ports on the Pacific Coast of North America from the scope of the agreement effective upon the expiry of three (3) full calendar months after the date of the Commission's approval of this amendment.

Dated: October 6, 1967.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 67-12020; Filed, Oct. 10, 1967;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

DYNA RAY CORP.

Order Suspending Trading

OCTOBER 5, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp. and all other securities of Dyna Ray Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 6, 1967, through October 15, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-11939; Filed, Oct. 10, 1967;
8:45 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

OCTOBER 5, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States 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 the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 6, 1967,

through October 15, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-11940; Filed, Oct. 10, 1967;
8:45 a.m.]

[811-819]

THE LAZARD FUND, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Com- pany

OCTOBER 5, 1967.

Notice is hereby given that the Lazard Fund, Inc. ("Applicant"), 44 Wall Street, New York, N.Y. 10005, a Maryland corporation and an open-end diversified management investment company registered under the Investment Company Act of 1940, 15 U.S.C., section 80a-1, et seq. ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act.

The application states that pursuant to agreement and articles of merger merging the Fund with and into Moody's Capital Fund, Inc. ("Moody's"), filed as required by law in Maryland on May 5, 1967, the Fund was merged into Moody's, the latter being the surviving corporation. The existence of the Fund as a separate corporation ceased on May 5, 1967, the effective date of such merger, and on that date Moody's, as the surviving corporation, acquired all the property of the Fund and became liable for all the liabilities and obligations of the Fund.

Section 8(f) of the Act provides in pertinent part that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 26, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order dis-

posing of the matter may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-11941; Filed, Oct. 10, 1967;
8:45 a.m.]

[File No. 1-1277]

PENROSE INDUSTRIES CORP.

Order Suspending Trading

OCTOBER 5, 1967.

The common stock \$2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent Cumulative Convertible Preferred stock, \$20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 6, 1967, through October 15, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-11942; Filed, Oct. 10, 1967;
8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7315]

GULF STATES UTILITIES CO.

Notice of Application

OCTOBER 4, 1967.

Take notice that on September 25, 1967, Gulf States Utilities Co. (Applicant), of Beaumont, Tex., filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of up to \$38,500,000 in promissory notes in 1967 and 1968.

The order would take the place of and supersede the Commission's order issued December 9, 1966 in Docket No. E-7315 which authorized an issuance of up to

\$31 million in promissory notes to both commercial banks and commercial paper dealers. Applicant represents that the increase to the aggregate amount of short-term borrowings from \$31 million to \$38,500,000 is necessary to provide working capital and funds for current corporate transactions.

Applicant proposes to issue notes to commercial banks of up to a period of 1 year with no note to mature after December 31, 1968. The interest rate of these notes will be at the prime rate in effect at the time of the borrowings.

Applicant also proposes to issue notes to commercial paper dealers for sale to the public. The interest cost to the Applicant will be determined by money market conditions at the time such paper is issued. All commercial paper will have a maturity of not more than 9 months from its date of issuance.

The proceeds from the notes will be added to the general funds of the Applicant and will be used to provide, in part, for construction expenditures made and to be made in 1967 and 1968. During 1967 and 1968, the Applicant expects to spend approximately \$98 million for electric production facilities, \$52 million for transmission lines and \$13 million for electric distribution equipment.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 23, 1967, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11932; Filed, Oct. 10, 1967;
8:45 a.m.]

[Docket Nos. G-9324 etc.]

CRA, INC., ET AL.

Findings and Order

OCTOBER 2, 1967.

CRA, Inc. (Operator) et al. (successor to Amax Petroleum Corp. (Operator) et al.) and other Applicants listed herein, Docket Nos. G-9324 et al.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, severing proceeding, terminating proceedings, terminating certificates, requiring refunds, making successor co-respondent, redesignating proceedings, requiring filing of agreements and undertakings, 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, abandon or add natural gas service in interstate commerce as indicated in 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; except that the sale from the Permian Basin area of Texas is authorized to be made at the applicable area base rate and under the conditions prescribed in Opinion Nos. 468 and 468-A.

CRA, Inc., Applicant in Docket Nos. CI61-1659 and CI65-551 and CRA, Inc. (Operator) et al., Applicant in Docket No. CI61-1817, propose to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Amax Petroleum Corp. FPC Gas Rate Schedule Nos. 2, 16, and 3, respectively. The presently effective rates under said rate schedules are in effect subject to refund in Docket Nos. RI67-186, RI67-175, and RI66-186, respectively. Applicant has filed a motion to be made party respondent in said proceedings. Therefore, Applicant will be made party respondent, the proceedings will be redesignated accordingly, and Applicant will be required to file agreements and undertaking to assure the refunds of any amount collected by it in excess of the amounts determined to be just and reasonable in said proceedings.

L. D. Crumly, Jr., Applicant in Docket No. CI68-18, proposes to abandon the sale of natural gas due to depletion of reserves heretofore authorized in Docket No. G-19188 to be made to El Paso Natural Gas Co. (El Paso), pursuant to Applicant's FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-42, and a prior increased rate was collected for a locked-in period subject to refund in Docket No. G-20530. Both rate proceedings are consolidated in the initial proceeding in Docket No. AR61-1 et al. Applicant has submitted a refund report required by Opinion No. 468 (34 FPC 159) which shows that the amount due El Paso is \$3,260.34 principal and \$1,031.99 interest through September 30, 1966, predicated on a base rate of 14.5 cents per Mcf at 14.65 p.s.i.a. El Paso concurs in the report and Applicant has tendered the total of \$4,292.33 to El Paso. Therefore, the abandonment will be permitted and approved; the related rate schedule will be canceled; the proceeding pending in Docket No. G-20530 will be terminated with respect to sales made by Applicant and will be redesignated accordingly; the proceeding pending in Docket No. RI61-42 will be severed from the proceeding in Docket No. AR61-1 et al., and terminated; and Applicant will be required to refund to El Paso the amount of \$4,292.33 plus interest at the rate of 4.5 percent per annum from August 5, 1966,

the date on which the refund report was filed, to the date refunds are made to El Paso.

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 September 28, 1967, 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 that Docket No. CI68-147 should be cancelled and that the application filed herein should be processed as a petition to amend the certificate heretofore issued in Docket No. G-3162.

(6) 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-3162, G-9324, G-10006, G-11243, G-11815, G-15689, CI61-276, CI61-1659, CI61-1817, CI62-1294, CI63-403, CI63-431, CI63-628, CI63-642, CI63-719, CI63-1084, CI63-1218, CI63-1338, CI63-1458, CI64-110, CI64-357, CI64-653, CI64-1142, CI65-240,¹ CI65-357, CI65-551, CI65-750, CI65-1319, CI66-771, CI66-1012, CI67-119, CI67-250, and CI67-252 should be amended as hereinafter ordered and conditioned.

(7) 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.

(8) 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.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. G-20530 should be terminated with respect to the sale made by L. D. Crumly, Jr., pursuant to his FPC Gas Rate Schedule No. 1 and that said proceeding should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceeding pending in Docket No. RI61-42 should be severed from the proceeding pending in Docket No. AR61-1, et al., and terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that L. D. Crumly, Jr., should be required to make refunds as hereinafter ordered.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that CRA, Inc., and CRA, Inc. (Operator), et al., should be co-respondents in the proceedings pending in Docket Nos. RI66-186, RI67-175, and RI67-186; that said proceedings should be redesignated accordingly; and that CRA, Inc., and CRA, Inc. (Operator), et al., should be required to file agreements and undertakings in said proceedings.

(13) 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 con-

struction 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 April 15, 1965, and July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraphs (d) (1), (d) (2), and (d) (3) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates as indicated by footnotes 17 and 2, respectively, in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI67-1681 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. CI67-1681 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the

gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) The initial rate for the sale authorized in Docket No. CI68-156 shall be 15.0 cents per Mcf at 14.65 p.s.i.a., including tax reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its Policy Statement No. 61-1, by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(H) Certificates are issued herein in Docket Nos. CI67-318 and CI67-319 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(I) A certificate is issued herein in Docket No. CI67-1246 authorizing Applicant to continue the sale of natural gas being rendered on June 7, 1954, by the predecessor.

(J) Docket No. CI68-147 is canceled.

(K) The certificates heretofore issued in Docket Nos. G-10006, G-11815, CI65-750, and CI67-119 are amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(L) The acceptance for filing of the related rate filings in Docket Nos. G-11815 and CI67-119 are contingent upon each Applicant filing three copies of a billing statement as required by the regulations under the Natural Gas Act.

(M) The certificate heretofore issued in Docket No. CI67-252 is amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicant in Docket No. CI67-119.

(N) The certificate heretofore issued in Docket No. CI67-250 is amended to reflect the change in name from Tom Kat, Inc., to Kathol Petroleum, Inc., as indicated in the tabulation herein.

(O) The certificates heretofore issued in Docket Nos. G-3162, G-9324, G-11243, G-15689, CI61-276, CI61-1659, CI61-1817, CI62-1294, CI63-403, CI63-431, CI63-628, CI63-642, CI63-719, CI63-1084, CI63-1218, CI63-1338, CI63-1458, CI64-110, CI64-357, CI64-653, CI64-1142, CI65-240,¹ CI65-357, CI65-551, CI65-1319, CI66-771, and CI66-1012 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(P) 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.

(Q) The certificates heretofore issued in Docket Nos. G-3068, G-11091, G-

¹ Temporary certificate.

² Supra.

16523, G-19188, CI61-116, CI63-418, and CI66-477, are terminated.

(R) The proceeding pending in Docket No. G-20530 is terminated with respect to the sale made by L. D. Crumly, Jr., pursuant to his FPC Gas Rate Schedule No. 1 and the proceeding is redesignated accordingly.²

(S) The proceeding pending in Docket No. RI61-42 is severed from the proceeding pending in Docket No. AR61-1 et al., and terminated.

(T) L. D. Crumly, Jr., shall refund to El Paso Natural Gas Co. the amount of \$4,292.33 plus interest at the rate of 4.5 percent per annum accrued from August 5, 1966, to the date of the refunds. Within 30 days from the date of this order L. D. Crumly, Jr., shall submit to the Commission an acknowledgement from El Paso that the refunds have been received and are correct.

(U) CRA, Inc., shall be a co-respondent in the proceeding pending in Docket Nos. RI67-175 and RI67-186; CRA, Inc. (Operator), et al., shall be co-respondent in the proceeding pending in Docket No. RI66-186; and said proceedings are redesignated accordingly.²

(V) Within 30 days from the issuance of this order CRA, Inc., in Docket Nos. RI67-175 and RI67-186 and CRA, Inc. (Operator) et al., in Docket No. RI66-186 shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings to assure the refunds of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(W) CRA, Inc., and CRA, Inc. (Operator) et al., shall comply with 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 them in Docket Nos. RI66-186, RI67-175, and RI67-186 shall remain in full force and effect until discharged by the Commission.

(X) 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 in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-9324 E 6-19-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tennessee Inc., Magnet-Withers Field, Wharton County, Tex.	Amax Petroleum Corp. (Operator) et al., FPC GRS No. 18, Supplement Nos. 1-6, Notice of succession 6-9-67.	37	1-6
G-10006 C 7-20-67 ¹	Amerada Petroleum Corp.	El Paso Natural Gas Co., Otero Area, Rio Arriba County, N. Mex.	Conveyance 5-1-67, Effective date: 5-1-67, Amending agreement 6-5-67. ²	37	7
G-11243 E 6-16-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator) et al.).	El Paso Natural Gas Co., Napoleonville Field, Assumption Parish, La.	Amendatory agreement 6-5-67. ²	50	11
G-11815 C 7-17-67 ¹	Marathon Oil Co.	Southern Natural Gas Co., Napoleonville Field, Assumption Parish, La.	Amax Petroleum Corp. (Operator) et al., FPC GRS No. 19, Supplement Nos. 1-2, Notice of succession 6-9-67.	38	1-2
G-15089 E 6-19-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator) et al.).	Transcontinental Gas Pipe Line Corp., North Markham-North Bay City Field, Matagorda County, Tex.	Conveyance 5-1-67, Effective date: 5-1-67, Amendment 6-13-67 ^{1,4}	38	3
G-15689 E 6-19-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator) et al.).	El Paso Natural Gas Co., West Bar-X Area, Grand County, Utah.	Amendment 6-13-67 ^{1,4}	10	16
CI61-270 E 6-15-67 ¹	CRA, Inc. (successor to Amax Petroleum Corp.).	El Paso Natural Gas Co., West Bar-X Area, Grand County, Utah.	Amax Petroleum Corp. (Operator) et al., FPC GRS No. 22, Supplement Nos. 1-3, Notice of succession 6-12-67.	40	1-3
CI61-1650 E 6-15-67 ¹	do	Lone Star Gas Co., South Alna Field, Stephens County, Okla.	Conveyance 5-1-67, Effective date: 5-1-67.	40	4
CI61-1817 E 6-16-67 ¹	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp.).	El Paso Natural Gas Co., West Bar-X Area, Grand County, Utah.	Amax Petroleum Corp. (Operator) et al., FPC GRS No. 22, Supplement Nos. 1-3, Notice of succession 6-12-67.	40	4
CI61-1817 E 6-16-67 ¹	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp.).	Lone Star Gas Co., South Alna Field, Stephens County, Okla.	Effective date: 5-1-67.	21	
CI61-1650 E 6-15-67 ¹	do	Michigan Wisconsin Pipe Line Co., acreage in Beaver County, Okla.	Amx Petroleum Corp., FPC GRS No. 1, Supplement Nos. 1-2, Notice of succession 5-29-67.	21	1-2
CI61-1817 E 6-16-67 ¹	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp.).	Michigan Wisconsin Pipe Line Co., acreage in Beaver County, Okla.	Conveyance 5-1-67, Effective date: 5-1-67.	21	3
CI61-1817 E 6-16-67 ¹	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp.).	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	Effective date: 5-1-67.	22	
CI62-1294 E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.).	Michigan Wisconsin Pipe Line Co., acreage in Beaver County, Okla.	Amx Petroleum Corp., FPC GRS No. 2, Supplement Nos. 1-7, Notice of succession 5-31-67.	22	1-7
CI63-403 E 6-15-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator); et al.).	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	Conveyance 5-1-67, Effective date: 5-1-67.	22	8
CI63-431 ¹ E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.). ³	Panhandle Eastern Pipe Line Co., Mokane-Laverne Field, Beaver County, Okla.	Amx Petroleum Corp., FPC GRS No. 3, Supplement Nos. 1-4, Notice of succession 5-31-67.	23	1-4
CI63-403 E 6-15-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator); et al.).	Panhandle Eastern Pipe Line Co., Mokane-Laverne Field, Beaver County, Okla.	Conveyance 5-1-67, Effective date: 5-1-67.	23	5
CI63-431 ¹ E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.). ³	El Paso Natural Gas Co., Bar-X Unit, Grand County, Utah; and Mesa County, Colo.	Effective date: 5-1-67.	24	
CI63-431 ¹ E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.). ³	El Paso Natural Gas Co., Bar-X Unit, Grand County, Utah; and Mesa County, Colo.	Amx Petroleum Corp., FPC GRS No. 4, Supplement No. 1, Notice of succession 5-31-67.	24	1
CI63-403 E 6-15-67	CRA, Inc. (Operator), et al. (successor to Amax Petroleum Corp. (Operator); et al.).	El Paso Natural Gas Co., Bar-X Unit, Grand County, Utah; and Mesa County, Colo.	Conveyance 5-1-67, Effective date: 5-1-67.	24	2
CI63-431 ¹ E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.). ³	Northern Natural Gas Co., Gate Area, Beaver County, Okla.	Amx Petroleum Corp., FPC GRS No. 5, Supplement Nos. 1-7, Notice of succession 5-31-67.	25	1-7
CI63-431 ¹ E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.). ³	Northern Natural Gas Co., Gate Area, Beaver County, Okla.	Conveyance 5-1-67, Effective date: 5-1-67.	25	8
CI63-628 E 6-16-67	CRA, Inc. (Operator) et al. (successor to Amax Petroleum Corp. (Operator), et al.).	El Paso Natural Gas Co., Bar-X Unit, Grand County, Utah; and Mesa County, Colo.	Effective date: 5-1-67.	25	
CI63-431 ¹ E 6-15-67	CRA, Inc. (successor to Amax Petroleum Corp.). ³	El Paso Natural Gas Co., Bar-X Unit, Grand County, Utah; and Mesa County, Colo.	Amx Petroleum Corp., FPC GRS No. 6, Supplement Nos. 1-8, Notice of succession 5-31-67.	25	1-8
CI63-642 E 6-15-67	do	El Paso Natural Gas Co., Bar-X Field, Grand County, Utah; and Mesa County, Colo.	Conveyance 5-1-67, Effective date: 5-1-67.	25	
CI63-642 E 6-15-67	do	El Paso Natural Gas Co., Bar-X Field, Grand County, Utah; and Mesa County, Colo.	Amx Petroleum Corp. (Operator) et al., FPC GRS No. 9, Supplement Nos. 1-6, Notice of succession 6-7-67.	29	1-6
CI63-642 E 6-15-67	do	El Paso Natural Gas Co., Bar-X Field, Grand County, Utah; and Mesa County, Colo.	Conveyance 5-1-67, Effective date: 5-1-67.	29	7
CI63-642 E 6-15-67	do	El Paso Natural Gas Co., Bar-X Field, Grand County, Utah; and Mesa County, Colo.	Amx Petroleum Corp. (Operator) et al., FPC GRS No. 6, Supplement Nos. 1-8, Notice of succession 5-31-67.	26	1-8
CI63-642 E 6-15-67	do	El Paso Natural Gas Co., Bar-X Field, Grand County, Utah; and Mesa County, Colo.	Conveyance 5-1-67, Effective date: 5-1-67.	26	9

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.

¹ Tom Schneider.

² Docket Nos. RI67-175 and RI67-186, Amax Petroleum Corp. and CRA, Inc.; Docket No. RI66-186, Amax Petroleum Corp. and CRA, Inc. (Operator) et al.

FPC rate schedule to be accepted		FPC rate schedule to be accepted					
Docket No. and date filed	Description and date of document	No.	Supp.	Docket No. and date filed	Description and date of document	No.	Supp.
C159-719 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 8. Supplement No. 1-4. Notice of succession 6-14-47.	28	1-4	C165-337 E 6-19-47	Amx Petroleum Corp. (Operator) et al. (successor to Amx Petroleum Corp. (Operator) et al.).	34	
C160-1084 E 6-19-47	Kansas-Nebraska Natural Gas Co., Inc., and Northern Utilities Inc., Boone Downs Ave., Natrona County, Wyo.	28	5	C165-333 E 6-19-47	Arkansas Louisiana Gas Co., acreage in Blaine County, Okla.	34	1
C160-1224 E 6-19-47	Natural Gas Pipeline Co. of America, acreage in Beaver County, Okla.	41		C165-335 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 18. Supplement Nos. 1-2. Notice of succession 6-14-47.	35	1-2
C160-1338 E 6-19-47	Northern Natural Gas Co., acreage in Beaver County, Okla.	41	1-2	C165-336 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 17. Supplement Nos. 1-2. Notice of succession 6-14-47.	35	3
C160-1463 E 6-19-47	Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla.	41	3	C165-338 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 21. Notice of succession 6-12-47.	36	
C164-115 E 6-19-47	Loon Star Gas Co., acreage in Bryan County, Okla.	30	1	C165-339 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 23. Notice of succession 6-12-47.	36	1-2
C164-337 E 6-19-47	Mountain Fuel Supply Co., Nichols Gulch Area, Sweetwater County, Wyo.	20	1	C165-340 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 24. Notice of succession 6-12-47.	36	3
C164-403 E 6-19-47	Northern Natural Gas Co., acreage in Beaver County, Okla.	30	2	C165-341 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 25. Notice of succession 6-12-47.	36	3
C164-1157 E 6-19-47	Kansas-Nebraska Natural Gas Co., Inc., North Shawnee Flat Top Farm, Converse County, Wyo.	31	1	C165-342 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 26. Notice of succession 6-12-47.	36	3
C165-340 E 6-19-47	Michigan Wisconsin Pipe Line Co., acreage in Woods County, Okla.	31	1	C165-343 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 27. Notice of succession 6-12-47.	36	3
		44	4	C165-344 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 28. Notice of succession 6-12-47.	36	3
		33	1	C165-345 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 29. Notice of succession 6-12-47.	36	3
		33	2	C165-346 E 6-19-47	Amx Petroleum Corp. (Operator) et al. FPC GRS No. 30. Notice of succession 6-12-47.	36	3

See footnotes at end of table.

Amendment to the application to reduce a price of 18.0 cents per Mcf in lieu of 17.0 cents per Mcf (filed Aug. 7, 1967).
 * Applicant is filing to amend to the properties of Amstar Petroleum Corp. under subject docket. Certificate covers properties owned by Fredrick Morgan Field, Administrator, Operator et al., and Amstar Petroleum Corp.
 * No permanent certificate issued, temporary authorization granted Oct. 20, 1964.
 * Amendment to the application to reduce a price of 17.5 cents per Mcf in lieu of 16.5 cents per Mcf (filed Aug. 7, 1967).
 * Jan. 1, 1970, moratorium applicable to the new acreage.
 * Add new acreage and also add acreage previously dedicated to a contract dated June 20, 1968, between buyer and Redman Development Corp. on file as Redman Development Corp. FPC GRS No. 2.
 * Amendment to the certificate to reflect change in corporate name.
 * Changes corporate name from Tom Kat, Inc., to Kathol Petroleum, Inc.
 * Sale being rendered on June 7, 1964.
 * Jan. 1, 1966, moratorium pursuant to the Commission's statement of general policy No. 45-1, as amended.
 * Increases contract rate from 12.0 cents to 12.9 cents per Mcf.
 * Increases contract rate to 20.0 cents per Mcf.
 * Increases contract rate from 14.0 cents to 14.9 cents per Mcf.
 * Sale being rendered on June 7, 1964, by predecessor (no certificate or rate filings were made by predecessor):
 * Between J. E. Church et al., seller and South Penn Natural Gas Co. (predecessor of Pennstate), buyer.
 * From Church et al., to Jeonora Blisset et al.
 * Source of gas disputed.
 * Selective date: Date of this order.
 * By letter filed July 14, 1967, Applicant agreed to accept a permanent certificate containing conditions similar to that imposed by Opinion No. 498.
 * MRP 1, 1968, moratorium provided by Opinion No. 498.
 * MRP 1 Properties Co. owns no working interest but is acting as agent for Judson et al.
 * From an FPC J. Leases, Inc., and FPC Natural Gas Co.
 * From FPC J. Leases, Inc., to Edward H. Judson, et al.
 * Provides for 15-year unitary period for gas paid for but not taken by Almas.
 * Provides for a 5-year unitary period for gas paid for but not taken by Almas.
 * (Steam Bear Lease); provides for 3-year term.
 * Application by successor in interest for complete abandonment; no prior filings by Applicant to reflect the abandonment. Effective Jan. 1, 1961, Applicant succeeded to all the acreage presently covered by Mid-American Minerals, Inc. FPC GRS No. 1.
 * Cancels Mid-American Minerals, Inc. FPC GRS No. 1.
 * Assigns all of the productive leases dedicated to the subject contract to S. W. Jack, Jr., on file as S. W. Jack, Jr., FPC GRS No. 1.
 * All productive leases dedicated to the subject contract have been assigned to S. W. Jack, Jr., the remaining acreage was never developed.
 * Application erroneously assigned Docket No. C198-147 will be construed as a petition to amend the certificate issued in Docket No. G-3252 and Docket No. C198-147 will be canceled.
 * Production of gas no longer economically feasible.
 * Production from the Newburg Sand and deeper formations only.
 * Contract provides for initial price of 17.0 cents, but Applicant states it is willing to accept a permanent certificate at 15.0 cents in accordance with Opinion No. 446.
 * Covers interest of cooperator, E. G. Rodman.

Specifically, Applicant seeks authorization to construct and operate approximately 9.1 miles of 24-inch mainline loop, 112 miles of branchlines and eight measuring stations. Applicant also seeks authorization to sell and deliver to Mid-west Natural Gas Co. (Midwest) volumes of natural gas for resale and distribution in 16 communities located in the States of North Dakota and South Dakota. Applicant states that the estimated third year peak daily and annual natural gas requirements of Midwest will be 6,861 Mcf and 1,569,538 Mcf, respectively. Applicant states that the sale proposed above will provide initial natural gas service to 16 communities and Applicant proposes to initiate such service for the 1968-69 heating season.
 Applicant estimates the total cost of the proposed facilities at approximately

[F.P.R. Doc. 67-11898; Filed, Oct. 10, 1967; 8:45 a.m.]

NORTHERN NATURAL GAS CO.
Notice of Application
 OCTOBER 4, 1967.

Take notice that on September 26, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-102 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By letter dated Aug. 15, 1967, Applicant revised the July 20, 1967, application to amend the certificate to reflect a total price of 17.0 cents per Mcf in lieu of 17.25 cents per Mcf.
 * Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 45-1, as amended.
 * Selective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
 * Decks are average contained in the Ross Zone at an average depth of 6,500 feet to 5,987 feet; provides for a 5-year make-up gas paid for but not taken from the new acreage.
 * Amendment to the application to reduce a price of 14.0 cents per Mcf in lieu of 15.0 cents per Mcf (filed Aug. 7, 1967).
 * Amendment to the application to reduce a price of 18.5 cents per Mcf in lieu of 17.0 cents per Mcf (filed Aug. 7, 1967).

Docket No. and date filed	Applicant	Purchase, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No. Supp.
C198-47 A 7-14-67	D. H. Bolin (Operator) et al.	Almas Gas Gathering Co., Skidmore (A.570) Field, Bee County, Tex.	Contract 6-20-67	2
C198-67 A 7-21-67	Charles W. Olliphant (Operator) et al.	Wunderlich Development Co., acreage in Kay County, Okla.	Amendment 8-28-67	1
C198-69 A 7-21-67	Success Oil & Gas Co., Inc.	United Gas Pipe Line Co., Debbies Field, Richland Parish, La.	Contract 7-9-67	1
C198-115 (C198-116) B 8-1-67	W. N. Little, d.b.a. Molok Oil Co.	Lee Star Gas Co., West Marrow Field, Stephens County, Okla.	Notice of cancellation 4-25-67	1
C198-124 (C198-125) B 8-4-67	Paul H. Ash, d.b.a. A. & C. Oil & Gas Co.	Hickory Creek District, Washita County, Okla.	Assignment 12-22-65	1
C198-147 (G-3185) E 8-9-67	Jeanne Washburn Holleman (successor to W. J. Holleman)	Mississippi River Transit Field, Lincoln Parish, La.	Notice of cancellation 7-31-67	2
C198-148 (C198-147) B 8-9-67	Luffey & Primos Gas Co.	Humble Gas Transmission Co., Monroe Field, Union Parish, La.	Without J. Holleman, FPC GRS No. 1, Supplement Nos. 1-4, 8-7-67.	1-6
C198-169 A 8-10-67	J. C. Templeton	Natural Gas Pipeline Co. of America acreage in Beckham County, Okla.	Assignment 6-13-65	1
C198-180 A 8-10-67	Anselanko Production Co.	Northern Natural Gas Co., Chum Field, Ochiltree County, Tex.	Effective date, 8-1-65	1
C198-192 A 8-11-67	Commonwealth Gas Corp. (Operator) et al.	Unibred Fuel Gas Co., Washington District, Lawrence County, W. Va.	Notice of cancellation 8-1-67	2
C198-196 A 8-11-67	Mobile Oil Corp.	Natural Gas Pipeline Co. of America, Northeast Chester City Field, Chester County, Okla.	Contract 6-20-67	132
C198-197 A 8-11-67	Jack M. Johnston (Operator) et al.	Southern Natural Gas Co., St. Bernard and Plaquemines Parishes, La.	Contract 8-8-67	13
C198-199 (G-3096) B 8-14-67	Humble Oil & Refining Co.	United Gas Pipe Line Co., Hordes Creek Field, Goliad County, Tex.	Notice of cancellation 8-10-67	7
C198-199 A 8-14-67	Sabine Oil Industries, Inc.	Northern Natural Gas Co., Moccasin-Loverne Field, Beaver County, Okla.	Contract 6-19-67	1
C198-201 A 8-14-67	Reading & Bates Off-shore Drilling Co. et al.	Northern Natural Gas Co., Acreage in Beaver County, Okla.	Contract 5-15-67	5
C198-199 (G-16023) B 8-16-67	B. H. Penman, Jr. (Operator) et al.	Consolidated Gas Supply Corp., Harris and Lubbeck Districts, Wood County, W. Va.	Contract 5-29-67	5
			Notice of cancellation 8-9-67	1

By letter dated Aug. 15, 1967, Applicant revised the July 20, 1967, application to amend the certificate to reflect a total price of 17.0 cents per Mcf in lieu of 17.25 cents per Mcf.
 * Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 45-1, as amended.
 * Selective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
 * Decks are average contained in the Ross Zone at an average depth of 6,500 feet to 5,987 feet; provides for a 5-year make-up gas paid for but not taken from the new acreage.
 * Amendment to the application to reduce a price of 14.0 cents per Mcf in lieu of 15.0 cents per Mcf (filed Aug. 7, 1967).
 * Amendment to the application to reduce a price of 18.5 cents per Mcf in lieu of 17.0 cents per Mcf (filed Aug. 7, 1967).

\$3,236,500, said cost to be financed from internal sources such as reserve accruals, retained earnings and 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) and the regulations under the Natural Gas Act (§ 157.10) on or before November 1, 1967.

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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11983; Filed, Oct. 10, 1967;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-6 (Southwestern Area), Disaster 636]

MANAGER OF DISASTER BRANCH OFFICE, CORPUS CHRISTI, TEX.

Delegations Relating to Financial Assistance Functions

Delegation of authority from Area Administrator, Southwestern Area, SBA to Manager, Disaster Branch Office, SBA, Corpus Christi, Tex.

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 6, 1967, there is hereby redelegated to the Manager of Corpus Christi Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve or decline disaster loans in an amount not exceeding \$350,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____
Manager, Disaster Branch
Office.

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undischursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: September 23, 1967.

ROBERT E. WEST,
Area Administrator,
Dallas, Tex.

[F.R. Doc. 67-11945; Filed, Oct. 10, 1967;
8:46 a.m.]

[Delegation of Authority No. 30-6 (Southwestern Area), Disaster 636]

MANAGER OF DISASTER BRANCH OFFICE, BROWNSVILLE, TEX.

Delegations Relating to Financial Assistance Functions

Delegation of Authority from Area Administrator, Southwestern Area, SBA to Manager, Disaster Branch Office, SBA, Brownsville, Tex.

I. Pursuant to the authority delegated to the Area Administrator, by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, and Amendment 1, 32 F.R. 8113, dated June 6, 1967, there is hereby redelegated to the Manager of Brownsville Disaster Branch Office the following authority:

A. *Financial assistance.* 1. To approve or decline disaster loans in an amount not exceeding \$350,000.

2. To execute loan authorizations for Washington, area and regional office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(Name), Administrator,

By _____
Manager, Disaster Branch
Office.

3. To cancel, reinstate, modify and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undischursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Manager of the Disaster Branch Office.

Effective date: September 25, 1967.

ROBERT E. WEST,
Area Administrator,
Dallas, Tex.

[F.R. Doc. 67-11944; Filed, Oct. 10, 1967;
8:45 a.m.]

[Declaration of Disaster Loan Area 638]

INDIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1967, because of the effects of certain disasters, damage resulted to business property located in the town of Jasonville, Greene County, Ind.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the town affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended. Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid town, suffered damage or destruction resulting from fire occurring on October 1, 1967.

OFFICE

Small Business Administration Regional Office, 36 South Pennsylvania St., Indianapolis, Ind. 46204.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1968.

Dated: October 4, 1967.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 67-11943; Filed, Oct. 10, 1967;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 6, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41144—*Liquid caustic soda to West Monroe, La.* Filed by Southwestern Freight Bureau, agent (No. B-9018), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from McIntosh, Ala., to West Monroe, La.

Grounds for relief—Market competition.

Tariff—Supplement 167 to Southwestern Freight Bureau, agent, tariff ICC 4469.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-11082; Filed, Oct. 10, 1967;
8:47 a.m.]

[Notice 467]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 6, 1967.

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.

MOTOR CARRIERS OF PROPERTY

No. MC 6945 (Deviation No. 10), THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. 48126, filed September 26, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction Indiana Highway 67 and Interstate Highway 69 (approximately 4 miles north of Huntsville, Ind.), over Interstate High-

way 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to Angola, Ind., thence over U.S. Highway 27 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., (2) from junction Indiana Highway 67 and Interstate Highway 69 over Interstate Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to Toledo, Ohio, and (3) from junction Indiana Highway 67 and Interstate Highway 69 over Interstate Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to Angola, Ind., thence over U.S. Highway 27 to junction Interstate Highway 90 (Ohio Turnpike), approximately 7 miles north of Angola, Ind., thence over Interstate Highway 90 to Maumee, Ohio, and return over the same routes, for operation convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Indianapolis, Ind., over Indiana Highway 67 to the Ohio-Indiana State line, thence over Ohio Highway 29 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction Ohio Highway 67, thence over Ohio Highway 67 (formerly portion U.S. Highway 25) to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo, Ohio, and (2) from Toledo, Ohio, over U.S. Highways 24 and 25 to Detroit, Mich., and return over the same routes.

No. MC 35540 (Deviation No. 1), SCHRODER'S EXPRESS, INC., 1550 Perin, Cincinnati, Ohio 45204, filed September 25, 1967. Carrier's representative: Harry V. McChesney, Jr., 711 McClure Building, Frankfort, Ky. 40601. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Louisville, Ky., over Interstate Highway 71 to junction Interstate Highway 75 near Walton, Ky., thence over combined Interstate Highways 75 and 71 to Cincinnati, Ohio, 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 Louisville, Ky., across the river to Jeffersonville, Ind., thence over Indiana Highway 62 to Charlestown and Hanover, Ind., thence over Indiana Highway 107 to junction U.S. Highway 421, thence over U.S. Highway 421 to Versailles, Ind., thence over U.S. Highway 50 to Cincinnati, Ohio, and return over the same route.

No. MC 67916 (Deviation No. 1), NEW YORK CENTRAL TRANSPORT COMPANY, 139 West Van Buren Street, Chicago, Ill. 60605, filed September 28, 1967. Carrier's representative: Richard O. Olson (same address as applicant). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Indiana Highway 37 to Marion, Ind., 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 Indianapolis, Ind., over Indiana Highway 36 to Anderson, Ind., thence over Indiana Highway 9 to Marion, Ind., thence over combined Indiana Highways 37 and 9 to Huntington, Ind., thence over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route.

No. MC 73262 (Deviation No. 4), MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. 47808, filed September 26, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 270 to junction U.S. Highway 40 east of Highland, Ill., 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 St. Louis, Mo., over U.S. Highway 40 via Greenville, Ill., to Indianapolis, Ind., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 402) (Cancels Deviation No. 125), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed September 25, 1967. 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 deviation routes as follows: (1) From Syracuse, N.Y., over Interstate Highway 81 to junction New York Highway 342, thence over New York Highway 342 to junction U.S. Highway 11, approximately 6 miles north of Watertown, N.Y., (2) from Central Square, N.Y., over New York Highway 49 to junction Interstate Highway 81, (3) from Pulaski, N.Y., over U.S. Highway 11 to junction New York Highway 13, thence over New York Highway 13 to junction Interstate Highway 81, (4) from Adams, N.Y., over New York Highway 178 to junction Interstate Highway 81, and (5) from Watertown, N.Y., over New York Highway 3 to junction Interstate Highway 81, and return over the same routes, 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 Hallstead, Pa., over U.S. Highway 11 via Lisle, Cortland, Syracuse, Hastings, and Colosse, N.Y., to Potsdam, N.Y., thence over New York Highway 11B to Nicholsonville, N.Y., thence over New York Highway 195 to junction U.S. Highway 11, thence over U.S. Highway 11 to Mooers, N.Y., and return over the same route.

No. MC 1515 (Deviation No. 404), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed September 28, 1967. 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 deviation route as follows: (1) From junction unnumbered highway and U.S. Highway 41, approximately 1 mile north of Lake Village, Ind., over U.S. Highway 41 to junction unnumbered highway approximately 1 mile south of Lake Village, Ind., and (2) from junction unnumbered highway and U.S. Highway 41, approximately 5 miles north of Morocco, Ind., over U.S. Highway 41 to junction unnumbered highway approximately 2 miles south of Morocco, Ind., and return over the same routes, 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 Kentland, Ind., over U.S. Highway 41 to junction unnumbered highway 2 miles south of Morocco, Ind., thence over unnumbered highway via Morocco to junction U.S. Highway 41, north of Morocco, thence over U.S. Highway 41 to junction unnumbered highway approximately 1 mile south of Lake Village, Ind., thence over unnumbered highway via Lake Village, Ind., to junction U.S. Highway 41, approximately 1 mile north of Lake Village, Ind., thence over U.S. Highway 41 via Cook and Hammond, Ind., to Chicago, Ill., and return over the same route.

No. MC 109736 (Deviation No. 6), CAPITOL BUS COMPANY, fourth and Chestnut Streets, Harrisburg, Pa. 17101, filed September 26, 1967. 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 South Tamaqua, Pa., over U.S. Highway 309 to junction U.S. Highway 22, thence over U.S. Highway 22 to Exit No. 33 of the Pennsylvania Turnpike Northeast Extension, thence over the Pennsylvania Turnpike Northeast Extension to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Exit No. 24 at Schuylkill Expressway, near Valley Forge, Pa., 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 U.S. Highway 422 to junction Business U.S. Highway 422 (formerly portion U.S. Highway 422), thence over Business U.S. Highway 422 to Reading, Pa., thence over Pennsylvania Highway 61 (formerly U.S. Highway 122) to Pottsville, Pa., (2) from Philadelphia, Pa., over the Schuylkill Expressway to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to junction Pennsylvania Highway 724, thence over Pennsylvania Highway 724 to junction unnumbered highway, thence over unnumbered highway to Spring City, Pa., thence over unnumbered highway to Royersford, Pa., thence over Pennsylvania Legislative Route 46015 to junction U.S. Highway 422, (3) from Tamaqua, Pa., over U.S. Highway 309 to South Tamaqua, Pa., (4) from South Tamaqua, Pa., over Pennsylvania Highway 443 to junction Pennsylvania Highway 895, thence over Pennsyl-

vania Highway 895 to Moline, Pa., and (5) from Pottsville, Pa., over Pennsylvania Highway 61 (formerly U.S. Highway 122) to Frackville, Pa., thence over Pennsylvania Highway 924 to Hazleton, Pa., and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-11963; Filed, Oct. 10, 1967;
8:47 a.m.]

[Notice 1112]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 6, 1967.

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 phrasology 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 2770 (Sub-No. 11) (Republication), filed July 15, 1966, published FEDERAL REGISTER issues of September 6, 1966, and July 12, 1967, and republished this issue. Applicant: SANBORN'S MOTOR EXPRESS, INC., Box 312, Norway, Maine. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. By order entered June 21, 1967, in the above-entitled proceeding, the Commission, Operating Rights Board No. 1, found that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, over regular routes, of the commodities set forth below, (1) between Topsfield, Maine, and the port of entry on the international boundary line, between the United States and Canada at or near Houlton, Maine, serving no intermediate points, from Topsfield over U.S. Highway 1 to Houlton, thence over Maine Highway 5 to the port of entry, and return over the same routes, and (2) between Topsfield, Maine, and the port of entry on the international boundary line between the United States and Canada at or near Calais, Maine, over U.S. Highway 1, serving no intermediate points, restricted in (1) and (2) above to the transportation of traffic moving to or from the Provinces of Nova Scotia and New Brunswick, Canada. On July 24, 1967, applicant filed a petition for reconsideration. The purpose of the instant application is to allow applicant to operate over better

highways and to eliminate some operating circuitries by using the alternate ports of entry at or near Houlton and Calais, Maine; See Overland Exp. Extension—Alternate Route, 96 M.C.C. 24, 27.

An order of the Commission, division 1, acting as an Appellate Division, dated September 21, 1967, and served September 29, 1967, finds that the present and future public convenience and necessity require operation by applicant, in foreign commerce only, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Topsfield, Maine, and the port of entry on the international boundary line between the United States and Canada at or near Houlton, Maine; from Topsfield over U.S. Highway 1 to Houlton, thence over Maine Highway 5 to the port of entry, and return over the same routes, (2) between Topsfield, Maine, and the port of entry on the international boundary line between the United States and Canada at or near Calais, Maine, over U.S. Highway 1, (3) between Macwahoc, Maine, and the port of entry on the international boundary line between the United States and Canada at or near Houlton, Maine, over U.S. Highway 2 (also over alternate U.S. Highway 2), (4) between Bangor, Maine, and the port of entry on the international boundary line between the United States and Canada at or near Calais, Maine; from Bangor over Maine Highway 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to the Calais port of entry, and return over the same route; and

(5) Between Ellsworth, Maine, and the port of entry on the international boundary line between the United States and Canada at or near Calais, Maine, over U.S. Highway 1; restricted in (1), (2), and (3) above, to the transportation of traffic moving to or from the Provinces of Nova Scotia and New Brunswick, Canada, and in (4) and (5) above, to the transportation of traffic moving to or from the Province of New Brunswick, Canada, serving no intermediate points on any of the routes set forth above; 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 and that an appropriate certificate should be issued subject to the condition that the authority granted herein shall not be severable, by sale or otherwise, from the regular-route authority embraced in certificate No. MC-2770 (Sub-No. 6). 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 111729 (Sub-No. 230) (Republication), filed April 20, 1967, published FEDERAL REGISTER issue of May 18, 1967, and republished this issue. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bay-side, N.Y. 11361. Applicant's representative: Claude J. Jasper, Suite 301, 111 South Fairchild Street, Madison, Wis. By application filed April 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 irregular routes, of business papers, records, audit and accounting media of all kinds (except plant removals), and payroll checks, between the points indicated below. An order of the Commission, Operating Rights Board dated September 14, 1967, and served October 2, 1967, as amended, 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 *business papers, records, audit and accounting media* (except cash letters), and *payroll checks*, between Watertown, Wis., on the one hand, and, on the other, Elk Grove Village and Gilberts, Ill.; 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; and that the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC-112750 and subs thereunder, will be consistent with the public interest and the national transportation policy. 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 time 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 112617 (Sub-No. 241) (Republication), filed December 1, 1966, published FEDERAL REGISTER issue of December 22, 1966, and republished this issue. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street, NW., Washington, D.C. 20005. By application filed December 1, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over ir-

regular routes, of hydrofluoric acid, in bulk, in tank vehicles, from the plant-site of the Pennsalt Chemical Corp., at or near Calvert City, Ky., to points in Pennsylvania. A report of the Commission, Review Board No. 5 decided September 6, 1967, and served October 3, 1967, as amended, 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 *hydrofluoric acid*, in bulk, in tank vehicles, from the plant-site of Pennsalt Chemical Corp., at or near Calvert City, Ky., to points in New Jersey and Pennsylvania; 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 114045 (Sub-No. 218) (Republication), filed December 13, 1965, published FEDERAL REGISTER issue of January 13, 1966, and republished this issue. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. By application filed December 13, 1965, 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 *foodstuffs*, other than those in bulk in tank vehicles, including *advertising matter, display racks and premiums* when moving at the same time from and to points as indicated below. The application was referred to Examiner Theodore M. Tahan for hearing and the recommendation of an appropriate order thereon. Hearing was held June 6-9, 1966, at Indianapolis, Ind. A report and order of the Commission, division 1, served June 30, 1967, which became effective August 14, 1967, 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 *foodstuffs*, other than those in bulk in tank vehicles, including *advertising matter, display racks and premiums* when moving at the same time, from the facilities of American Home Food Division of American Home Products Corp. located at or near La Porte, Ind., to points in Illinois, Kansas, Oklahoma, and Texas, restricted to the transportation of shipments originating at the above origin point; 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 applications 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 116077 (Sub-No. 212) (Republication), filed May 11, 1967, published FEDERAL REGISTER issue of May 25, 1967, and republished this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. By application filed May 11, 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 irregular routes, of *cement*, having a prior movement by water between points in the State of Texas, and from and to the points indicated below. An order of the Commission, Operating Rights Board dated September 18, 1967, and served September 29, 1967, as amended, 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 *cement* (1) between points in Texas, restricted to the transportation of traffic having a prior movement by water and (2) from the plant site of Dundee Cement Co. located at or near Houston, Tex., to points in Alabama, Arkansas, Louisiana, Mississippi, and Oklahoma; 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.

NOTICES OF FILING OF PETITIONS

No. MC 37303 (Notice of filing of petition for removal of restriction), filed

September 18, 1967. Petitioner: SEL-OVER TRUCKING CO., INC., South River, N.J. Petitioner's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, N.J. 07080. Petitioner is authorized in No. MC 37303 to conduct operations as a motor common carrier, transporting: (1) *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, with no seasonal restrictions, over irregular routes, between South River, N.J., and points in New Jersey and New York within 45 miles of South River, on the one hand, and, on the other, Bethlehem, Easton Marcus Hook, Philadelphia, and Reading, Pa., and Tarrytown, N.Y., and points in Middlesex, Monmouth, Somerset, Union, Essex, Hudson, Bergen, Passaic, Mercer, Morris, Ocean, Burlington and Hunterdon Counties, N.J.; (2) *general commodities*, with the exceptions specified above, during the season extending from the 1st day of June to the first day of October, inclusive, over irregular routes, between points in New Jersey on and south of New Jersey Highway 33, on the one hand, and, on the other, New York, N.Y. By the instant petition, petitioner respectfully requests that the seasonal restriction which limits it to perform the authorized transportation service described above to the period of June 1 to October 1 of each year be removed, thereby allowing it to conduct operations all year round. 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.

No. MC 47693 (Sub-No. 11) (Notice of filing of petition to modify), dated September 5, 1967. Petitioner: JOHN R. CALLAHAN, doing business as CALLAHAN TRANSPORTATION, Pittsburgh, Pa. Petitioner's representative: Ernest L. Butya, 907 Plaza Building, 535 Fifth Avenue, Pittsburgh, Pa. 15219. Petitioner is authorized in permit No. MC 47693, Sub-No. 11 to conduct operations as a contract carrier by motor vehicle, over irregular routes, transporting: Carbonated beverages, from Geneva, Ohio, to points in Pennsylvania on and west of a line formed by the eastern boundaries of McKean, Cameron, Clearfield, Huntingdon, and Fulton Counties, Pa.; and empty containers, carbonated beverages, flavoring syrups and extracts, advertising matter, skids, cartons and parts therefor, used in connection with the manufacture, sale, and distribution of carbonated beverages, from points in Pennsylvania on and west of a line formed by the eastern boundaries of McKean, Cameron, Clearfield, Huntingdon, and Fulton Counties, Pa., to Geneva, Ohio, limited to a transportation service to be performed, under a continuing contract, or contracts, with Canada Dry Corp., of Pittsburgh, Pa. By the instant petition, petitioner states that Canada Dry Corp., the involved shipper, has

changed its base bottling address from Geneva, Ohio, to 4020 Payne Avenue, Cleveland, Ohio; and that it is desired that the said operation be conducted from the new Cleveland, Ohio, address without any other change, and exactly in the same manner as hitherto. 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.

No. MC 125440 (Sub-No. 2) (Notice of filing of petition for modification and amendment of permit), filed September 18, 1967. Petitioner: JULES TISCHLER AND PAUL JOHNSON, a partnership, doing business as RARITAN MOTOR EXPRESS, Branchburg, N.J. Petitioner's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Petitioner holds a permit in No. MC 125440, Sub-No. 2, which reads as follows: "Irregular routes: *Precast concrete panels, and materials, supplies, and equipment* used in the manufacture, erection, or installation thereof (except commodities in bulk and those which, because of their size or weight, require the use of special equipment). Between Bound Brook, N.J., and Brandywine, Md., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York (except points in Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuylcr, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, N.Y.), Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. From Bound Brook, N.J., Brandywine, Md., points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York (except points in Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuylcr, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, N.Y.), Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, to Worcester, Mass., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with Eastern Schokcrete Corp., of Bound Brook, N.J." By the instant petition, petitioner requests that the name of the contracting shipper, Eastern Schokcrete Corp., of Bound Brook, N.J., be deleted from the permit and that the new corporate name of the contracting shipper, Eastern Schokbeton Corp., of Bound Brook, N.J., be substituted therefor. In addition, it is requested that the name of the Massachusetts Corp., Eastern Schokcrete Corp., of Massachusetts, of Worcester, Mass., be added to the permit. 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.

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-9710 (J. B. MONTGOMERY, INC. — Purchase — GREAT WESTERN PACKERS EXPRESS, INC.) (Amendment), published in the April 5, 1967, issue of the FEDERAL REGISTER, on page 5598. Amendment filed September 28, 1967. Applicants seek to control and merge the operating rights and property in lieu of purchase.

No. MC-F-9895. Authority sought for merger into SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., Post Office Box 1000, Staunton, Va. 24401, of HUBER & HUBER MOTOR EXPRESS, INC., Post Office Box 1000, Staunton, Va. 24401, and for acquisition by ROY R. SMITH, Forest Hills, Staunton, Va., and RANDOLPH P. HARRISON, Cherry Avenue, Waynesboro, Va., of control of such rights and property through the transaction. Applicants' attorney: David G. MacDonald, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, as a *common carrier*, over regular and irregular routes, between points in Illinois, Kentucky, Tennessee, Georgia, Indiana, Ohio, West Virginia, and Missouri, serving various intermediate and off-route points, with certain restrictions, numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC-52629 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Virginia, West Virginia, Kentucky, Connecticut, Massachusetts, Maryland, Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Wisconsin, Kansas, Utah, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., controls HUBER & HUBER MOTOR EXPRESS, INC.

through ownership of capital stock pursuant to authority granted in Docket No. MC-F-8799, report and order, Finance Board No. 1, May 17, 1965, and consummated August 10, 1965.

No. MC-F-9896. Authority sought for merger into THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, 900 Chapel Street, New Haven, Conn., of the operating rights and property of MILLER MOTOR EXPRESS, INC., 900 Chapel Street, New Haven, Conn. (The authority of THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, is presently being controlled through management by THE COLONY COMPANY, 100 Constitution Plaza, Hartford, Conn., pursuant to order by Review Board No. 5, dated July 20, 1967, in No. MC-F-9821, under temporary authority). Applicants' attorneys: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., and Howard T. Gillis, 900 Chapel Street, New Haven, Conn. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Atlanta, Ga., and Norfolk, Va., between Columbia, S.C., and Murfreesboro, N.C., between Wilmington, N.C., and Charlotte, N.C., between Petersburg, Va., and Raleigh and Rocky Mount, N.C., between North Emporia, Va., and Franklin, Va., between certain points in North Carolina, between Baltimore, Md., and State Road, Del., serving all intermediate points, between Norfolk, Va., and Philadelphia, Pa., serving certain intermediate and off-route points with restrictions, between Norfolk, Va., and New York, N.Y., serving certain intermediate points with restrictions, and certain off-route points; *sea food*, from Elizabeth City, N.C., to New York, N.Y., serving certain intermediate points with restrictions; *polyvinyl acetate emulsion*, in bulk, in pre-mounted collapsible containers, from the plantsite of Stein, Hall & Co., Inc., at Charlotte, N.C., to the plantsite of Stein, Hall & Co., Inc., at Long Island City, N.Y., serving no intermediate points; *general commodities* excepting, among others, household goods and commodities in bulk, over irregular routes, between points on the above-specified regular routes, with certain exceptions, on the one hand, and, on the other, Columbia, S.C., and certain points in South Carolina, Georgia, and North Carolina, between Richmond, Va., and points on the above-specified regular routes south of Richmond, with certain exceptions, on the one hand, and, on the other, certain points in Virginia, New Jersey, and Pennsylvania. THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, is authorized to operate as a *common carrier*, in Massachusetts, Pennsylvania, Connecticut, Rhode Island, New York, New Jersey, Virginia, Maryland, Delaware, Georgia, West Virginia, North Carolina, South Carolina, Florida, Ohio, Vermont, New Hampshire, Maine, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, through ownership of capital stock pursuant to authority granted in Docket No. MC-F-8872, decision and order, Division 3, dated October 27, 1965, and consummated November 30, 1965.

No. MC-F-9897. Authority sought for purchase by LESTER J. MacDONALD, 100 Pennsylvania Avenue, Huntingdon, Pa., of a portion of the operating rights and certain property of PAUL S. CREBS, 277 Ninth Street, Northumberland, Pa. Applicants' attorney: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between points in Pennsylvania, on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Ohio, New Jersey, Michigan, Illinois, Indiana, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9898. Authority sought for purchase by FRIEDMAN'S EXPRESS, INC., 220 Conyngham Avenue, Wilkes-Barre, Pa. 18703, of a portion of the operating rights of POCONO MOTOR FREIGHT TERMINAL, INC., U.S. Route 209, Stroudsburg, Pa. 18360, and for acquisition by HARRY FRIEDMAN, also of Wilkes-Barre, Pa., ARTHUR FRANK, STANLEY FRANK, and MORTON J. FRANK, all of 55-80 47th Street, Maspeth, N.Y., of control of such rights through the purchase. Applicants' attorney and representatives: Mortimer H. Koenig, 84 William Street, New York, N.Y. 10038, Robert DeKroyft, 233 Broadway, New York, N.Y. 10007, and Edward L. Nehez, 10 East 40th Street, New York, N.Y. 10016. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Stroudsburg, Pa., and points in Pennsylvania within 40 miles of Stroudsburg, on the one hand, and, on the other, New York, N.Y., and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Sussex, Union, and Warren Counties, N.J., with restriction. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9899. Authority sought for purchase by TRI-STATE TRANSPORT, INC., 40 B Street, South Boston, Mass., of the operating rights and certain property of ALJAY TRUCKING CORP., 91 Heard Street, Chelsea, Mass., and for acquisition by PAUL B. WAITZE, also of South Boston, Mass., of control of such rights and property through the purchase. Applicant's attorney: Frank J. Weiner, 536 Granite Street, Investors Building, Braintree, Mass. 02184. Operating rights sought to be transferred:

Bananas, as a *common carrier*, over irregular routes, from New York, N.Y., to Boston, Mass., and from points in the New York, N.Y., commercial zone, as defined by the Commission, to Lawrence, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9900. Authority sought for purchase by MIDWESTERN EXPRESS, INC., Fort Scott, Kans., of a portion of the operating rights of MONKEM COMPANY, INC., Joplin, Mo., and for acquisition by DANNY ELLIS, also of Fort Scott, Kans., of control of such rights through the purchase. Applicants' attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Operating rights sought to be transferred: *Sisal products* (except sisal cloth), as a *common carrier*, over irregular routes, from Houston, Tex., and New Orleans, La., to points in Oklahoma, Arkansas, Colorado, Kansas, Missouri, Illinois, Nebraska, Iowa, South Dakota, Wyoming, Minnesota, North Dakota, and Montana, with restriction. Vendee is authorized to operate as a *common carrier* in Texas, Colorado, Iowa, Kansas, Oklahoma, Nebraska, North Dakota, South Dakota, Louisiana, Montana, Wyoming, New Mexico, Arizona, Minnesota, Missouri, Wisconsin, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9901. Authority sought for purchase by ORIOLE MOTOR CARRIER CORPORATION, c/o David P. Gordon, Esquire, 1200 Garrett Building, Baltimore, Md. 21202, of the operating rights of MOTOR CARRIER CORPORATION, 1900 Johnson Street, Baltimore, Md. 21230, and for acquisition by ORIOLE CHEMICAL CARRIERS, INC., and, in turn by MILTON ROVINE, both of 9722 Pulaski Highway, Baltimore, Md. 21220, of control of such rights through the purchase. Applicants' attorney: Maxwell A. Howell, 1120 Investment Building, 1511 K Street NW, Washington, D.C. 20005. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Washington, D.C., and Baltimore, Md., serving no intermediate points. ORIOLE MOTOR CARRIER CORPORATION, holds no authority from this Commission. However, it is controlled by ORIOLE CHEMICAL CARRIERS, INC., which is authorized to operate as a *contract carrier* in Maryland, Pennsylvania, Delaware, Virginia, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-11984; Filed, Oct. 10, 1967;
8:48 a.m.]

[Notice 468]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 6, 1967.

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 protest 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 32367 (Sub-No. 17 TA), filed October 2, 1967. Applicant: TED OCHSNER AND H. V. SPIELMAN, a partnership, doing business as, RED AND WHITE TRANSFER, 605 South Burlington, Hastings, Nebr. 68901. Applicant's representative: Richard A. Peterson, 14th and J Streets, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm and industrial equipment, and parts thereof*, between Hastings, Nebr., on the one hand, and, on the other, points in Michigan, Ohio, Georgia, New York, New Jersey, Maryland, Delaware, Florida, Pennsylvania, Alabama, Arkansas, Wisconsin, and Louisville, Ky.; (2) *tubing*, from Delta, Ohio, to Hastings, Nebr.; and (3) *truck bodies*, from Hastings, Nebr., to Kalamazoo, Mich., for the account of the Timberlock Division of the E. R. Schwartz Manufacturing Co., Lester Prairie, Minn., for 150 days. Supporting shippers: Western Land Roller Co., Hastings, Nebr., Timberlock Division, E. R. Schwartz Manufacturing Co., Post Office Box 248, Lester Prairie, Minn. 55354. Send protests to: District Supervisor, Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 36536 (Sub-No. 19 TA), filed September 29, 1967. Applicant: FAB TRANSPORTATION, INC., 15 Warren Street, Jersey City, N.J. 07303. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products* as de-

scribed in 61 M.C.C. 209, 272 appendix A, B, and C from Hoboken, N.J., and rail terminals at Secaucus, Kearny, North Bergen, and Newark, N.J., to points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J. Restricted to a distribution service that has had prior interstate movement via rail boxcar, rail piggyback and over-the-road motor carrier, for 150 days. Supporting shipper: (1) Hormel Food Products, 99 West Hawthorne Avenue, Valley Stream, N.Y. 11582; (2) Hygrade Food Products Corp., 777 Washington Street, New York, N.Y.; (3) Dubuque Packing Co., Dubuque, Iowa. Send protests to: District Supervisor, Walter J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 82101 (Sub-No. 7 TA), filed September 28, 1967. Applicant: WESTWOOD CARTAGE, INC., 26 Everett Street, Westwood, Mass. 02090. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk, in tank vehicles), from Dedham, Mass., to Salem, N.H. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with General Food, Inc., for 180 days. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. 10602. Send protests to: Richard D. Mansfield, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 89293 (Sub-No. 2 TA), filed September 28, 1967. Applicant: MARKET TRUCKING CORP., 130 Reade Street, New York, N.Y. 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and packaged meat* requiring refrigeration, between steamship piers in New York, N.Y., Harbor and Moonachie, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Union, and Passaic Counties, N.J., and New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., for 150 days. Supporting shipper: J. S. Hoffman Corp., 14 Empire Boulevard, Moonachie, N.J. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 107839 (Sub-No. 113 TA), filed September 29, 1967. 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 New Mexico, and (2) from Albuquerque, N. Mex., to points in Colorado. Restricted against the transportation of canned goods except in mixed loads with other foodstuffs, for 180 days. Note: Applicant proposes to interline shipments at Denver with other authorized carriers. Supporting shippers: Food Products Co., 2024 Market Street, Denver, Colo. 80202; Vincent-Bar-None Co., Inc., 2661 Walnut Street, Denver, Colo. 80205; Four B Corp., Post Office Box 343, Albuquerque, N. Mex. 87103. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 111729 (Sub-No. 251 TA), filed September 29, 1967. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. Kevin Murphy, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Muncie, Ind., on the one hand, and, on the other, Detroit, Mich.; (b) between Minneapolis, Minn., on the one hand, and, on the other, West Chicago, Ill., and (2) *tax stamp meter machine*, between Boston, Mass., on the one hand, and, on the other, Hartford and North Haven, Conn.; for 180 days. Supporting shippers: General Mills, Inc., Washington Street and Town Road, West Chicago, Ill. 60185; Central Indiana Gas Co., Inc., 300 East Main Street, Muncie, Ind. 47305; Stop & Shop, Inc., 393 D Street, Boston, Mass. 02210. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 112697 (Sub-No. 14 TA), filed September 28, 1967. Applicant: SAMUEL A. BRASFIELD, doing business as B & S ENTERPRISES, 1727 Osborn Drive, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Government surplus, used machinery, used equipment, used wrecked or damaged aircraft, and parts and accessories* (except those which because of their size or weight require the use of special equipment), from points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia, to Memphis, Tenn., for 180 days. Supporting shippers: Aviation Materials, Inc., 4278 Swinnea, Tenn. 38118; Southern Parts Corp., 1268 North Seventh Street,

Memphis, Tenn. 38107; United Road Machinery Co., Yard and Warehouse, 2010 South Bellevue, Highway 51 South, Memphis, Tenn. 38104; Midwest Sales Co., Inc., 134 East Carolina, Memphis, Tenn. 38126; Memphis Auto Parts Co., Inc., 1093 Chelsea, Memphis, Tenn. 38107; Lazarov Surplus Sales Co., Inc., 1450 North Thomas Street, Post Office Box 7293, Memphis, Tenn. 38107. Send protests to: W. W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 112963 (Sub-No. 15 TA), filed September 29, 1967. Applicant: ROY BROS., INC., Boston Road, Pinehurst, Mass. 01866. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cleaning compounds and sodium cyanide*, from Nashua, N.H., to points in Massachusetts and Long Island City, N.Y.; Gardwood, Grasselli, Camden, Bayonne, and Jersey City, N.J.; Chicago and Lincoln, Ill.; Huntingdon, Ind.; and Maryland Heights, Mo.; Elmore, Ohio; Providence, R.I.; Allentown, Pa.; Blacksburg, S.C., for 180 days. Supporting shipper: Hampshire Chemical, Poisson Avenue, Nashua, N.H. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 120609 (Sub-No. 3 TA), filed September 29, 1967. Applicant: JAMES C. KINDBEITER, SR., doing business as DELAWARE MOTOR EXPRESS, 22 Alfred Avenue, Vilone Village, Wilmington, Del. 19805. Applicant's representative: Frederick Knecht, Jr., 920 King Street, Wilmington, Del. 19801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, between points located within the limits of the city of Wilmington and within 10 miles of the boundary line of the city of Wilmington, Del., for 180 days. Supporting shipper: Springmeier Shipping Co., Inc., Delaware Avenue and Wolfe Street, Philadelphia, Pa. 19148. L. Feldman, assistant general manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 129372 TA, filed October 2, 1967. Applicant: RICHARD W. GRAHAM, doing business as C. R. GRAHAM AND SONS TRANSFER, 6711 Elvas Avenue, Sacramento, Calif. 95819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within 100-mile radius of Sacramento, Calif.; namely, points in Sacramento, Solano, San Joaquin, Calaveras, Amador, Eldorado, Placer, Nevada, Yuba, Sutter, Yolo,

Napa, Sonoma, Marin, San Francisco, Contra Costa, Alameda, Sierra, Butte, Glen, Lake, and Colusa Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, for 180 days. Supporting shippers: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133; Jet Forwarding, Inc., 2945 Columbia Street, Torrance, Calif. 90503; Mollerup Freight Forwarding Co., 2900 South Main Street, Salt Lake City, Utah; Sunpak International, 1621 Queen Anne Avenue North, Seattle, Wash. 98109; Northwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, Box 36004, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

No. MC 129415 (Sub-No. 1 TA), filed September 29, 1967. Applicant: OVERLAND TRANSPORTATION, INC., Post Office Box 157, 325 South Virginia Avenue, Liberal, Kans. 67901. Applicant's representative: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bags and in bulk (except liquid), and *sanitation and health commodities* used in raising animals and poultry, from Liberal, Kans., to points in Oklahoma, Texas, New Mexico, and Colorado in the area from junction U.S. Highway 183 and the Kansas-Oklahoma State line, thence over U.S. Highway 183 to junction U.S. Highway 66, thence over U.S. Highway 66 to U.S. Highway 84, thence along U.S. Highway 84 to U.S. Highway 85, thence along U.S. Highway 85 to U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, thence along the State boundary to point of beginning, for 180 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

MOTOR CARRIER OF PASSENGERS

No. MC 129430 TA, filed October 3, 1967. Applicant: ADOLPH J. HAAS, doing business as HAAS BUS SERVICE, 8700 Concordia Road, Rural Route No. 3, Belleville, Ill. 62221. Applicant's representative: Louis C. Grossmann, 12½ Public Square, Belleville, Ill. 62220. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from points in St. Clair County, Ill., on and south of U.S. Highway 50, to points in St. Louis County and city of St. Louis, Mo., for 180 days. Supporting shipper: Charles Nichols, mayor, city of Belleville, Belleville, Ill.; Elmer Guthertz, mayor, village of Millstadt, Millstadt, Ill.; Ralph L. Cox, superintendent, Belle Valley School, Belleville, Ill.; Sam C. Schmulbach, president, Senior Citizens Club, Belleville, Ill.; Joseph

Knepper, Mechanical Motor Service, Belleville, Ill. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

By the Commission.

(SEAL) H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-11985; Filed, Oct. 10, 1967; 8:48 a.m.]

[Notice 41]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 6, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), 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-69875. By order of September 29, 1967, the Transfer Board approved the transfer to City Delivery, Inc., Phoenix, Ariz., of the operating rights of Kenneth P. Smith, Mesa, Ariz., issued November 8, 1965, to Kenneth P. Smith in certificate of registration No. MC-120824 (Sub-No. 1), authorizing the transportation of freight and farm products (baled cotton and livestock not permitted) over the public highways designated as those within Mesa and vicinity. A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz. 85012, attorney for applicants.

No. MC-FC-69883. By order of September 29, 1967, the Transfer Board approved the transfer to Mercury Freight, Inc., Scranton, Pa.; of certificate of registration in No. MC-99739 (Sub-No. 2), issued February 3, 1965, to Catherine M. Paradise, doing business as Paradise Trucking Co., Dunmore, Pa.; authorizing the transportation of specified classes of commodities, from, to, or between, specified points in Pennsylvania. Thomas J. Jones, 503 Brooks Building, Scranton, Pa. 18503, attorney for applicants.

No. MC-FC-69886. By order of September 29, 1967, the Transfer Board approved the transfer to Fidelity Storage Corp., doing business as Fidelity Storage Co., Washington, D.C., of the operating rights in certificate No. MC-30968 (Sub-No. 1), issued June 15, 1951, to American Storage Co., Washington, D.C., and acquired by Hilldrup Transfer & Storage Co., Inc., pursuant to approval and consumption of No. MC-P-9378 on January 9, 1967, authorizing the transportation

of: *Used automobiles*, in driveaway service, limited to the transportation of shipments having an immediately prior or an immediately subsequent movement in foreign commerce, over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in the New York, N.Y., and Philadelphia, Pa., commercial zones, as defined by the Commission, and Baltimore, Md., traversing Delaware and New Jersey for operating convenience only. Monroe Oppenheimer, Woodward Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-69889. By order of September 29, 1967, the Transfer Board approved the transfer to James Fleming Trucking, Inc., Suffield, Conn., of the operating rights in certificate No. MC-69300, issued October 11, 1965, to the Epstein Transfer Co., a corporation, Thompsonville, Conn., authorizing the transportation of: Household goods, as defined by the Commission, between points in specified townships in Connecticut, on the one hand, and, on the other, points in New York, Massachusetts, and Rhode Island. Dual operations are involved. Thomas W. Murrett, Attorney, 410 Asylum Street, Hartford, Conn., Donald P. Ahearn, Attorney, 1107 New Britain Avenue, Elmwood, Conn., attorneys for applicants.

No. MC-FC-69897. By order of September 28, 1967, Transfer Board approved the transfer to Burnett Truck Line Co., a corporation, Wynne, Ark., of the operating rights of B. H. Burnett and J. D. Burnett, a partnership, doing business as Burnett Truck Line, Wynne, Ark., in certificate No. MC-81617, issued January 16, 1961, to B. H. Burnett and J. D. Burnett, doing business as Burnett Truck Line, authorizing the transportation, over regular routes, of general commodities, excluding commodities in bulk, and other specified commodities, between Memphis, Tenn., to Levesque, Ark., and between Birdeye, Ark., and junction Arkansas Highway 75 and U.S. Highway 70, and general commodities, excluding household goods, classes A and B explosives, commodities of unusual value, and those requiring special equipment, between Levesque, Ark., and Forrest City, Ark., and between Forrest City, Ark., and junction U.S. Highway 70 and Arkansas Highway 3. J. L. Shaver, Jr., 210 Merriam Avenue, Wynne, Ark. 72396.

No. MC-FC-69900. By order of September 29, 1967, the Transfer Board approved the transfer to Emil Schlack, doing business as Schlack Van Lines, Detroit, Mich., of the operating rights of Burnside Motor Freight Lines, Inc., Urbana, Ohio, in certificate No. MC-72262 (Sub-No. 8), issued August 24, 1961, to Burnside Motor Freight Lines, Inc., authorizing the transportation, over irregular routes, of livestock: Livestock, other than ordinary livestock, and, in connection therewith, personal effects of attendants, and supplies and equipment, including mascots, used in the care and/or exhibition of such animals; and horses (other than ordinary livestock), and equipment, and paraphernalia incidental to the care, transportation, and

exhibition of such horses, between points in Clark, Champaign, Crawford, Darke, Franklin, Logan, Madison, Marion, Shelby, and Union Counties, Ohio, on the one hand, and, on the other, Chicago, Ill.; Fort Wayne, Indianapolis, and Winchester, Ind.; Brownsville, Cochranton, Ligonier, and Pittsburgh, Pa.; and Clarksburg, Parkersbury, and Wheeling, W. Va.; between points in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, and West Virginia; and between points in Ohio, Illinois, Indiana, Kentucky, Michigan, Pennsylvania, Tennessee, West Virginia, North Carolina, and New York; varying with the commodities transported. William B. Elmer, 22644 Gratiot Avenue, Kaiser Building, East Detroit, Mich. 48021, attorney for applicants.

No. MC-FC-69903. By order of September 29, 1967, the Transfer Board approved the transfer to Kenneth Narrod Moving Co., a corporation, Waukegan, Ill., of the certificate in No. MC-46300, issued April 20, 1942, to Garfield Fireproof Storage Co., Inc., Waukegan, Ill., authorizing the transportation of: Household goods, between Chicago, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Wisconsin, within 100 miles of Chicago. Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-69905. By order of September 29, 1967, the Transfer Board approved the transfer to Kenneth Narrod Moving Co., a corporation, Waukegan, Ill., of a portion of certificate No. MC-30124, issued January 25, 1957, to Paul A. Koerth, doing business as Koerth Transfer, Madison, Wis., authorizing the transportation of: Household goods, between Madison, Wis., and points in Wisconsin within 50 miles of Madison, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Michigan, Ohio, Florida, South Dakota, New York, New Jersey, Maryland, Missouri, Texas, and Nebraska; between points in Wisconsin within 50 miles of Madison, Wis., including Madison, on the one hand, and, on the other, points in Wisconsin, except those within 50 miles of Madison; and between points in Wisconsin, on the one hand, and, on the other, points in Illinois. Carl L. Steiner, 39 La Salle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-69913. By order of September 29, 1967, the Transfer Board approved the transfer to W. N. Morehouse Truck Line, Inc., Omaha, Nebr., of the operating rights of Gerald C. Morehouse, Kenneth W. Morehouse, and Cecil B. Morehouse, a partnership, doing business as W. N. Morehouse, Omaha, Nebr., in certificate No. MC-48221, issued August 2, 1966, to Gerald C. Morehouse, Kenneth W. Morehouse, and Cecil B. Morehouse, a partnership doing business as W. N. Morehouse, authorizing the transportation, over irregular routes, of fresh meats, packinghouse products and supplies, dairy products and feathers, from Omaha, Nebr., to Chicago, Ill., Sioux City, Iowa, and Denver, Colo., with no trans-

portation for compensation on return except as otherwise authorized. C. A. Ross, 714 South 45th Street, Lincoln, Nebr. 68510, representative for transferee.

No. MC-FC-69914. By order of September 29, 1967, the Transfer Board approved the transfer to Alberta M. Sale, doing business as Oilfield Transportation Co., Downey, Calif., of the operating rights of A. Y. Sale, doing business as Oilfield Transportation Co., Downey, Calif., in certificate No. MC-18623, issued September 20, 1940, to A. Y. Sale, doing business as Oilfield Transportation Co., authorizing the transportation, over irregular routes, of machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum from Vernon, Calif., to Los Angeles Harbor and Long Beach, Calif., with no transportation on return. Elwayne E. Smith, 6314 Rita Avenue, Huntington Park, Calif. 90255, attorney for applicants.

No. MC-FC-69916. By order of September 28, 1967, the Transfer Board approved the transfer to Karl S. Robinson Trucking Co., Inc., Salt Lake City, Utah, of the operating rights of Karl S. Robinson, doing business as Karl S. Robinson Trucking Co., Salt Lake City, Utah, in permits Nos. MC-125308 and MC-125308 (Sub-No. 1), issued November 17, 1964, and September 7, 1966, respectively, to Karl S. Robinson, doing business as Karl S. Robinson Trucking Co., authorizing the transportation, over irregular routes, of prestressed concrete beams, girders, columns, polished cast stone, marble, and precast mosaic concrete wall panels and trim, over irregular routes, from Salt Lake City and Murray, Utah, to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Washington, and Wyoming, and from Denver, Colo., and Mesa, Ariz., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, South Dakota, Oregon, New Mexico, Washington, and Wyoming, and of materials and supplies used in the production of prestressed concrete beams, girders, columns, polished cast stone, marble and precast mosaic concrete wall panels and trim, from points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, South Dakota, Oregon, New Mexico, Washington, and Wyoming, to Denver, Colo., Mesa, Ariz., Salt Lake City, and Murray, Utah. Thomas A. Duffin, 619 Continental Bank Building, Salt Lake City, Utah 84101, attorney for applicants.

No. MC-FC-69917. By order of September 29, 1967, the Transfer Board approved the transfer to R. L. Hershey and J. W. Hershey, a partnership, York, Pa., of certificate in No. MC-118588, issued November 6, 1959, to Lewis E. Guise, York, Pa., authorizing the transportation of: Agricultural limestone, in spreader type vehicles, from Jackson Township, Pa., to points other than incorporated municipalities in Baltimore,

Carroll, Cecil, Frederick, Harford, Howard, and Montgomery Counties, Md. Russell F. Griest, 128 East King Street, York, Pa. 17403, attorney for applicants. No. MC-FC-69918. By order of September 29, 1967, the Transfer Board approved the transfer to Art Lou Trucking, Inc., 176 Anthony Street, Bridgeport, Conn., of the certificate of registration in No. MC-98998 (Sub-No. 1), issued April 1, 1964, to Arthur Barry and Louis Szepesti, a partnership, doing business as Art Lou Trucking Co., 176 Anthony Street, Bridgeport, Conn., authorizing transportation in interstate or foreign

commerce pursuant to Motor Common Carrier Certificate C-98, dated March 5, 1954, as amended December 12, 1955, issued by the Public Utilities Commission of the State of Connecticut.

No. MC-FC-69922. By order of September 29, 1967, the Transfer Board approved the transfer to the Detroit Towing Service, Inc., 14211 West Eleven Mile Road, Oak Park, Mich., of certificate in No. MC-96001, issued March 5, 1957, to S. Norman O'Brien and John N. O'Brien, a partnership, doing business as the Detroit Towing Service, 14211 West Eleven Mile Road, Oak Park, Mich., au-

thorizing the transportation of: wrecked or disabled automobiles, trucks, trailers and buses, in towaway service; between Detroit, Mich.; and points in Michigan within 50 miles thereof, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, and the boundary of the United States and Canada, through ports of entry in Michigan.

[SEAL]

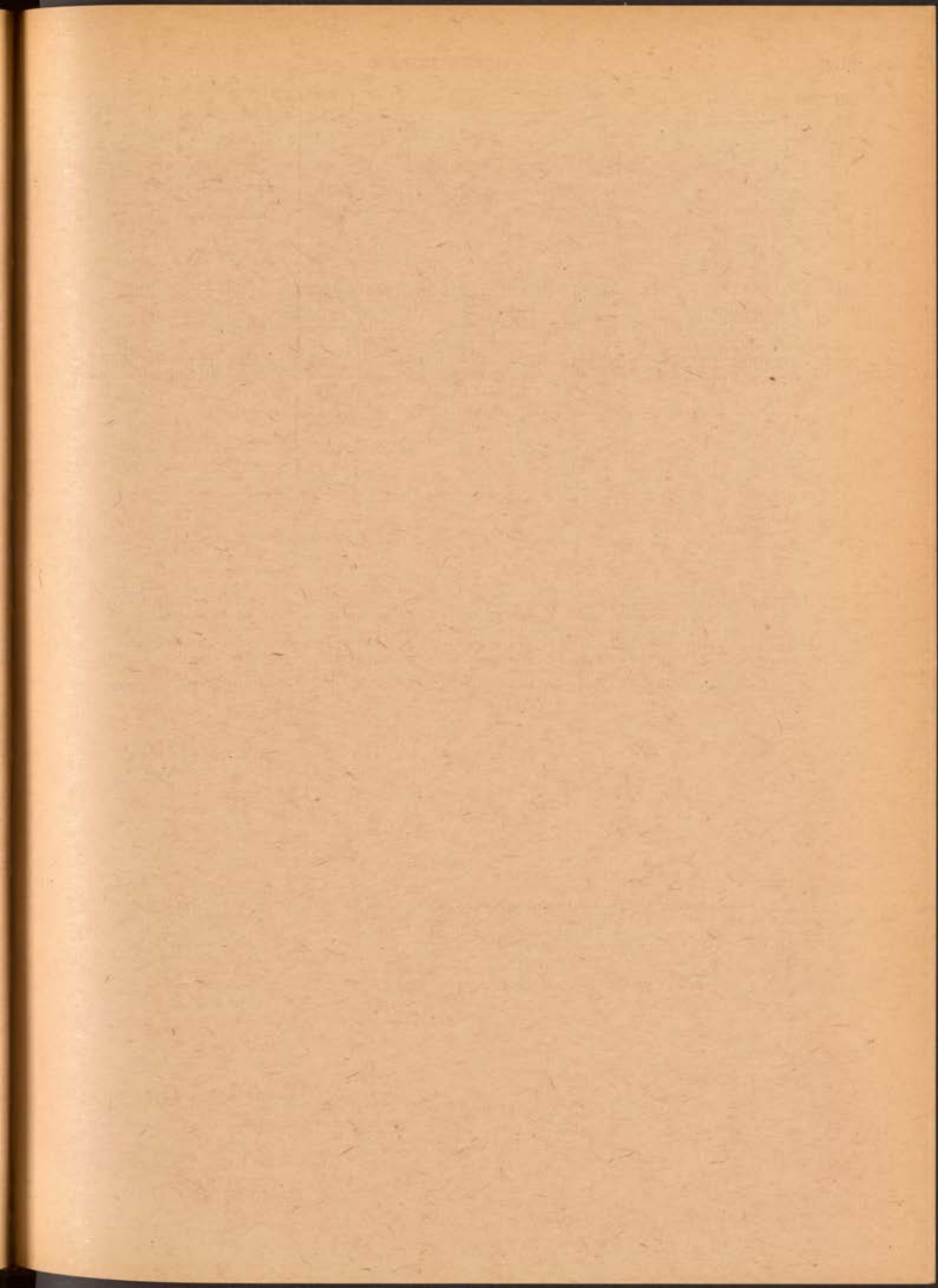
H. NEIL GARSON,
Secretary.[F.R. Doc. 67-11986; Filed, Oct. 10, 1967;
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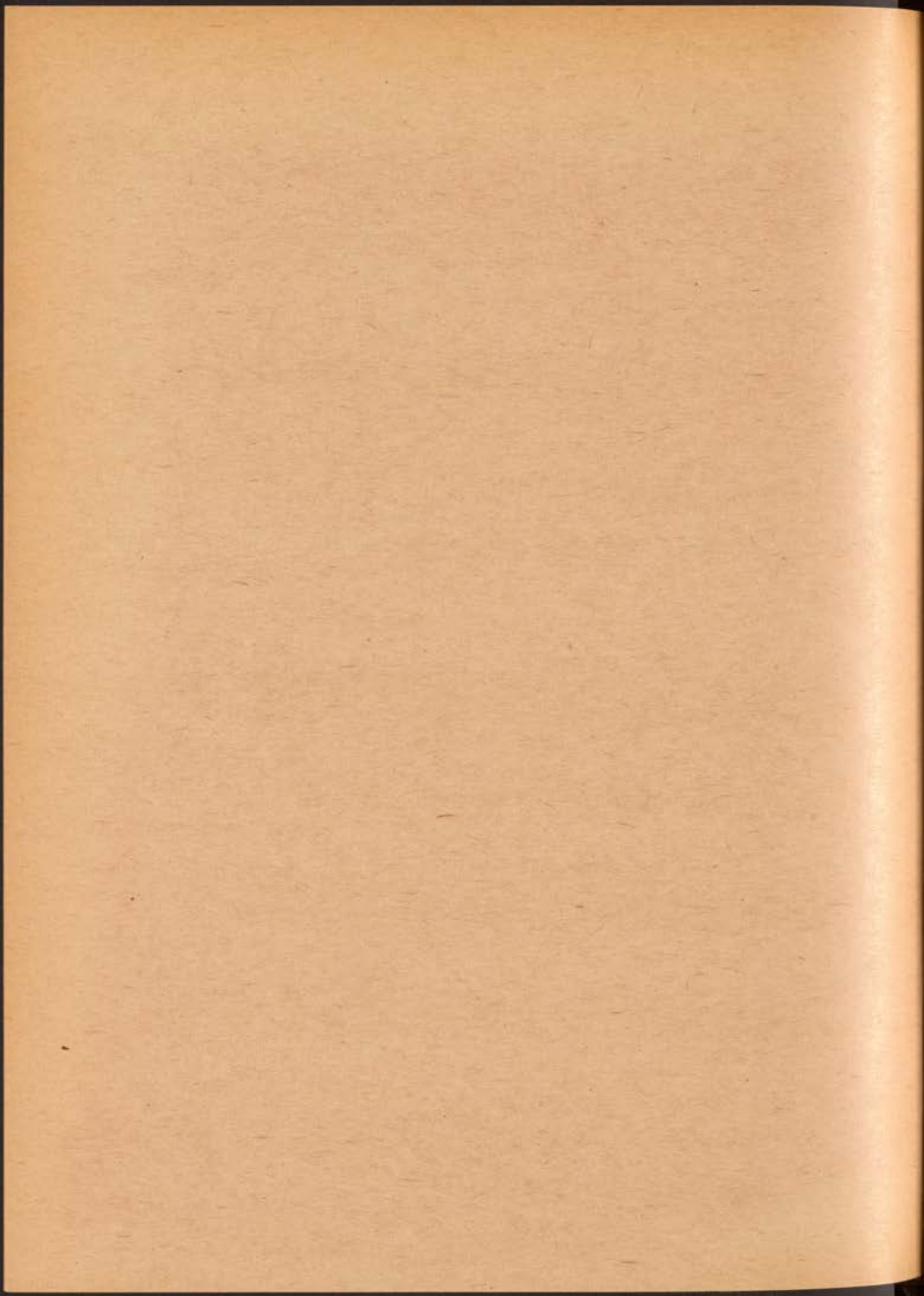
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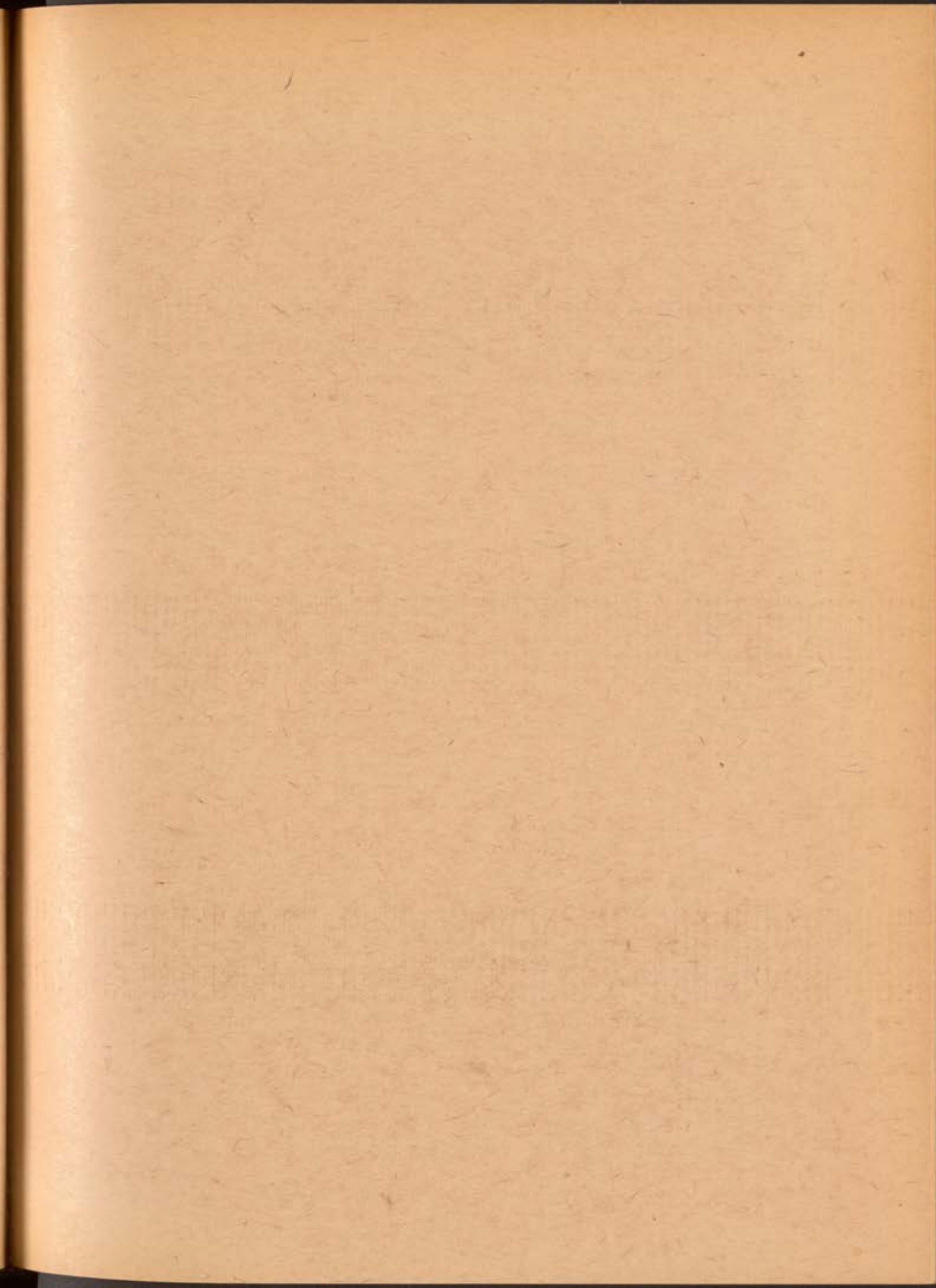
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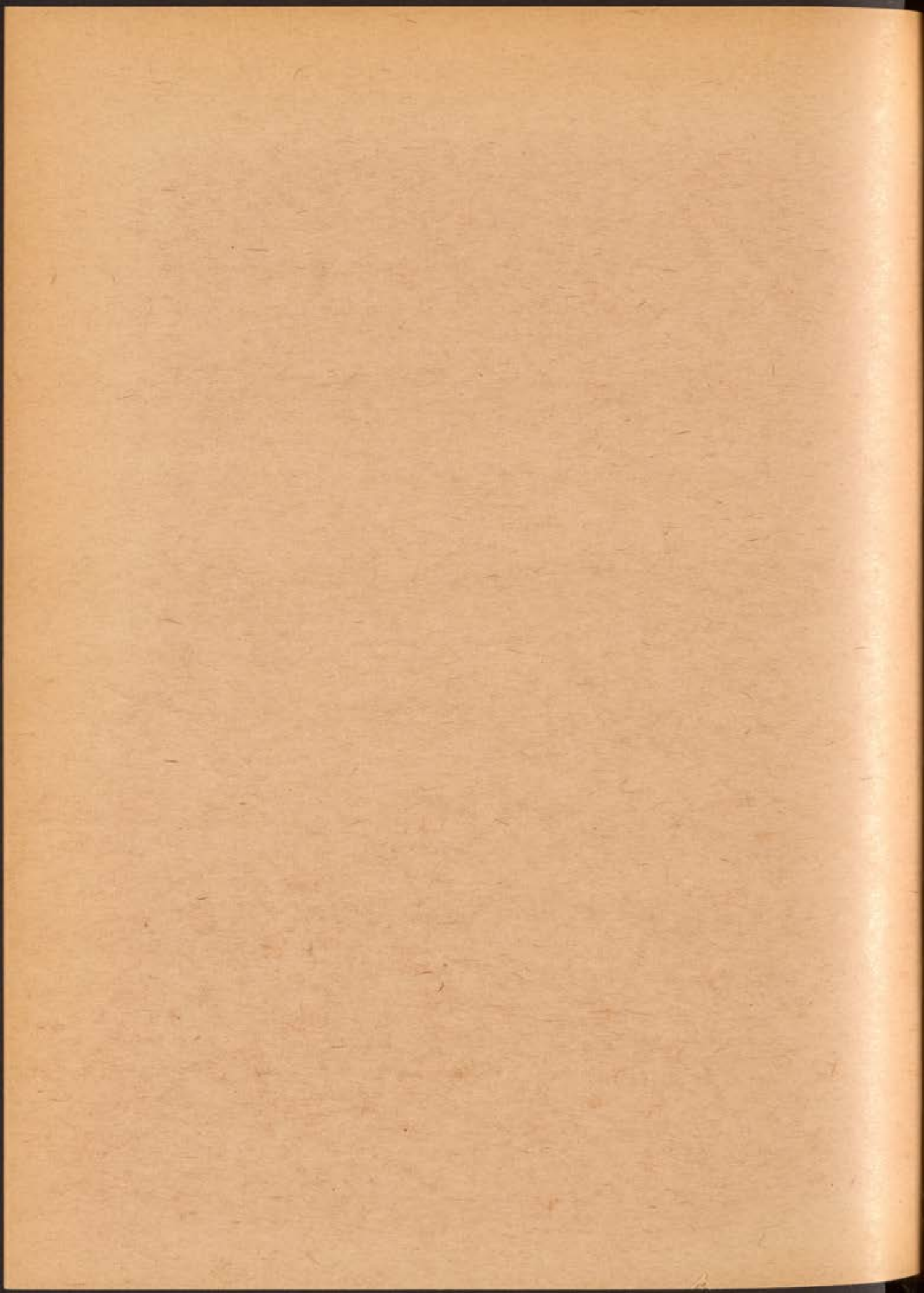
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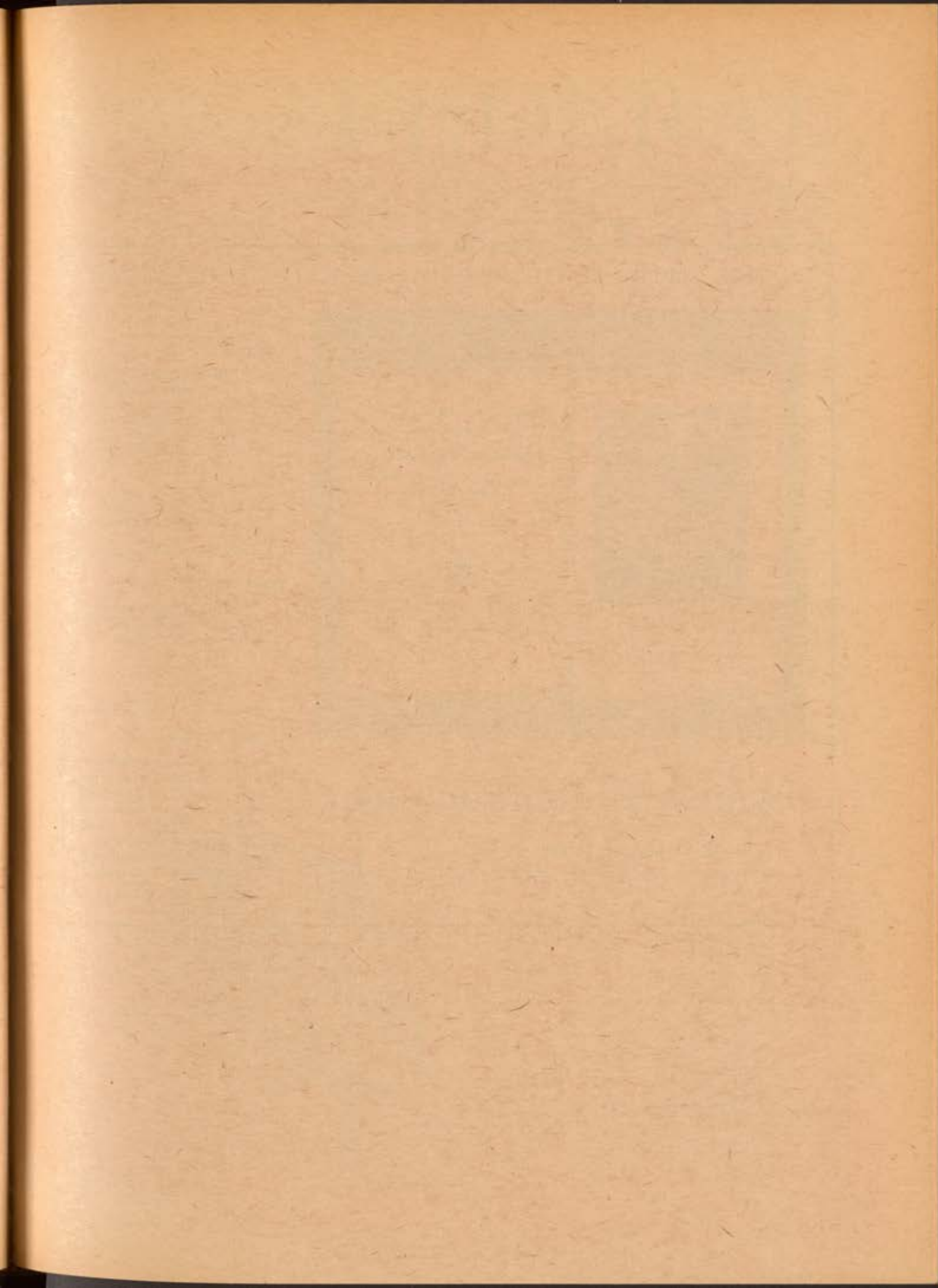
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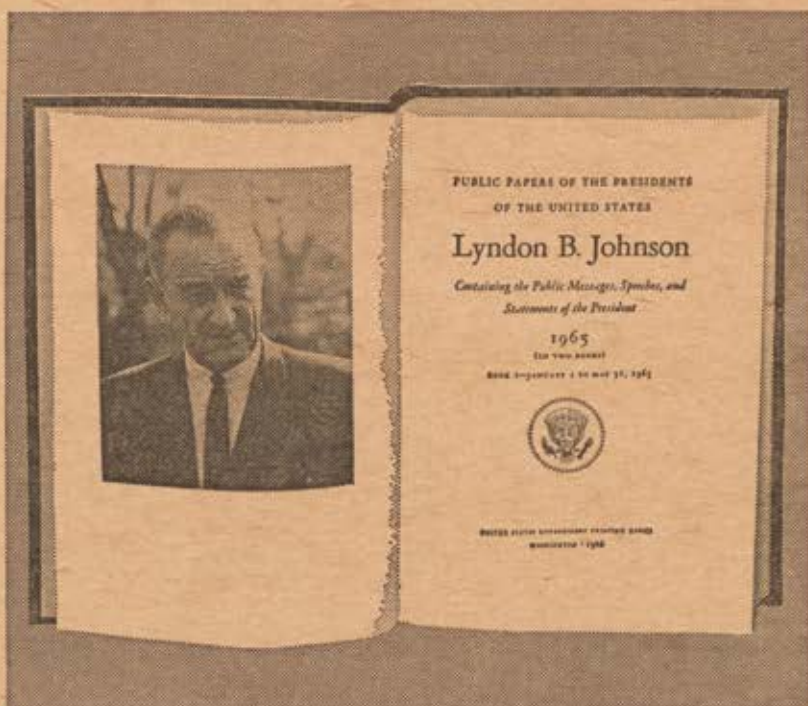








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