

# FEDERAL REGISTER

VOLUME 33 • NUMBER 203

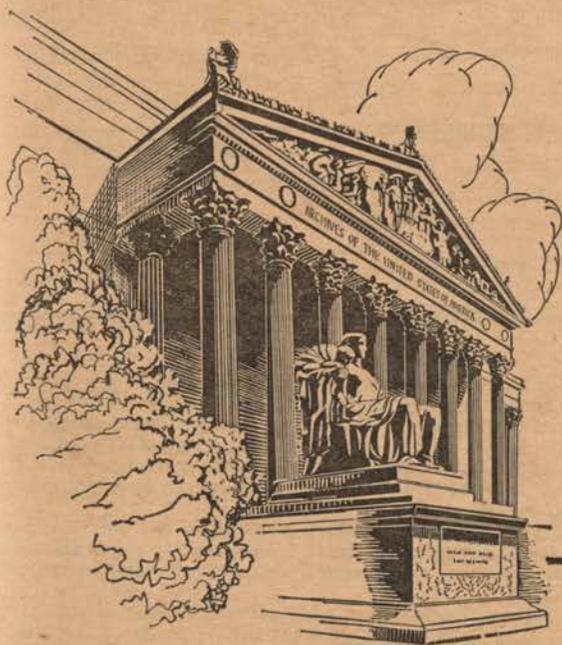
Thursday, October 17, 1968 • Washington, D.C.

Pages 15375-15466

**Agencies in this issue—**

Agency for International Development  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Air Force Department  
American Battle Monuments  
Commission  
Business and Defense Services  
Administration  
Civil Aeronautics Board  
Commodity Credit Corporation  
Consumer and Marketing Service  
Defense Department  
Delaware River Basin Commission  
Federal Aviation Administration  
Federal Communications Commission  
Federal Deposit Insurance Corporation  
Federal Power Commission  
Federal Reserve System  
Federal Trade Commission  
Fiscal Service  
Fish and Wildlife Service  
Food and Drug Administration  
General Services Administration  
Indian Affairs Bureau  
Interior Department  
Interstate Commerce Commission  
Land Management Bureau  
Narcotics and Dangerous Drugs  
Bureau  
National Park Service  
Post Office Department  
Securities and Exchange Commission  
Treasury Department

Detailed list of Contents appears inside.



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## CODE OF FEDERAL REGULATIONS

(As of January 1, 1968)

Titles 1-3 (Revised) ----- \$3.00

*[A cumulative checklist of CFR issuances for 1968 appears in the first issue of the Federal Register each month under Title 1]*

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



Area Code 202

Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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# Contents

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Notices

#### Authority delegations:

- Assistant Administrator for Administration and the General Counsel ..... 15449
- Assistant Administrator for Administration et al. .... 15449

## AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

### Rules and Regulations

- Acreage allotments and marketing quotas; 1969 crop:
- Extra long staple cotton ..... 15406
- Upland cotton ..... 15405

### Notices

- Raw sugar; importation for refining and storage ..... 15455

## AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

### Notices

- Nebraska; designation of counties where conservation program is specifically applicable ..... 15455

## AIR FORCE DEPARTMENT

### Rules and Regulations

- Issuing certificates in lieu of lost or destroyed separation certificates ..... 15404
- Miscellaneous amendments to subchapters ..... 15404

## AMERICAN BATTLE MONUMENTS COMMISSION

### Rules and Regulations

- Employee responsibilities and conduct ..... 15379

## BUSINESS AND DEFENSE SERVICES ADMINISTRATION

### Notices

- Duty-free entry of scientific articles:
- University of Southern California et al ..... 15455
- University of Texas Medical School ..... 15456

## CIVIL AERONAUTICS BOARD

### Rules and Regulations

- Statements of general policy; participation of combination carriers in blocked space service ..... 15413

### Notices

#### Hearings, etc.:

- Air West, Inc., et al ..... 15457
- International Air Transport Association ..... 15458
- Midwest Aviation Ltd. .... 15458
- Sedalla, Marshall, Boonville Stage Line, Inc. .... 15459

## COMMERCE DEPARTMENT

See Business and Defense Services Administration.

## COMMODITY CREDIT CORPORATION

### Rules and Regulations

- Financing sales of agricultural commodities; correction ..... 15408

## CONSUMER AND MARKETING SERVICE

### Rules and Regulations

- Milk in Greater Cincinnati marketing area; handling ..... 15407
- Special food service program for children; apportionment of food assistance and nonfood assistance funds ..... 15405

### Proposed Rule Making

- Beans; standards for grades ..... 15432
- Disposition of swine carcasses with sexual odor; extension of time ..... 15433
- Milk in Memphis, Tenn., marketing area; proposed termination of certain provisions ..... 15433
- Tomatoes; import regulation ..... 15432

## DEFENSE DEPARTMENT

See also Air Force Department.

### Rules and Regulations

- Miscellaneous amendments to subchapter ..... 15380

## DELAWARE RIVER BASIN COMMISSION

### Notices

- Comprehensive plan; notice of public hearing ..... 15459

## FEDERAL AVIATION ADMINISTRATION

### Rules and Regulations

- Airworthiness directives:
- Beech Models 65-90, 65-A90, 65-A90-1, and 65-B90 airplanes ..... 15410
- Boeing Model 707 and 720 Series airplanes ..... 15411
- Airworthiness standards: transport category airplanes; oil tank installation requirements ..... 15410
- Carriage of extra aviation fuel by small helicopters ..... 15412
- Control zone and transition area; designation ..... 15412
- IFR Altitudes; miscellaneous amendments; correction ..... 15412
- Transition area:
- Alteration ..... 15412
- Designation ..... 15412

### Proposed Rule Making

- Control zones and transition area; proposed alteration ..... 15434
- Federal aid to airports; performance of construction work ..... 15435

## FEDERAL COMMUNICATIONS COMMISSION

### Rules and Regulations

- Radio broadcast services; experimental, auxiliary and special broadcast services ..... 15417

### Notices

- Common carrier services information; domestic public radio services applications accepted for filing ..... 15460

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Rules and Regulations

- Time deposits of foreign monetary authorities; applicability of lower State maximum interest rates; interest on time and savings deposits renewed within ten days ..... 15408

## FEDERAL POWER COMMISSION

### Notices

#### Hearings, etc.:

- Arizona Public Service Co ..... 15462
- Cities Service Gas Co., et al ..... 15462
- Michigan Wisconsin Pipe Line Co ..... 15463
- Texas Eastern Transmission Corp ..... 15463

## FEDERAL RESERVE SYSTEM

### Rules and Regulations

- Payment of interest on deposits; time deposits of foreign monetary authorities ..... 15408

### Notices

- Federal Open Market Committee: Authorization for system foreign currency operations ..... 15464
- Current Economic Policy Directive of July 16, 1968 ..... 15463

## FEDERAL TRADE COMMISSION

### Rules and Regulations

- Prohibited trade practices:
- Farmer Brown's Furniture Barn, Inc., and Morton J. Brown ..... 15414
- Metro Transmission Services, Inc., et al ..... 15414
- Woodward, Charles, et al ..... 15415

## FISCAL SERVICE

### Proposed Rule Making

- Drawing of checks in favor of financial organizations for credit of persons' accounts ..... 15426

## FISH AND WILDLIFE SERVICE

### Rules and Regulations

- Hunting in certain wildlife refuges:
- Oregon ..... 15425
- Mississippi ..... 15424
- South Dakota (2 documents) ..... 15424
- Washington ..... 15425
- Nebraska; sport fishing ..... 15425

(Continued on next page)

**FOOD AND DRUG  
ADMINISTRATION****Rules and Regulations****Food additives:**

Revocations .....	15416
White mineral oil; petrolatum ..	15415

**Proposed Rule Making**

Histamine test requirements and name change for certain antibiotic drugs .....	15433
--	-------

**Notices****Petitions regarding food additives:**

General Aniline & Film Corp ..	15457
Morton International Inc .....	15457
National Laboratories Corp .....	15457
Westinghouse Electric Corp .....	15457

**GENERAL SERVICES  
ADMINISTRATION****Notices**

Secretary of Defense; delegation of authority .....	15464
---	-------

**HEALTH, EDUCATION, AND  
WELFARE DEPARTMENT**

See Food and Drug Administration.

**INDIAN AFFAIRS BUREAU****Proposed Rule Making**

General grazing regulations .....	15429
Use of Columbia River Indian In-Lieu Fishing Sites .....	15431

**Notices**

Authority delegations:	
Area Directors .....	15453
Specifically designated employees .....	15453

**INTERIOR DEPARTMENT**

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

**Notices**

Commissioner of Indian Affairs; delegation of authority .....	15455
---	-------

**INTERSTATE COMMERCE  
COMMISSION****Notices**

Fourth section application for relief .....	15447
Motor carrier:	
Broker, water carrier and freight forwarder applications .....	15436
Intrastate applications .....	15449
Temporary authority applications .....	15447
Transfer proceedings .....	15448

**JUSTICE DEPARTMENT**

See Narcotics and Dangerous Drugs Bureau.

**LAND MANAGEMENT BUREAU****Notices**

California; public sale of lands ..	15454
Idaho; proposed withdrawal and reservation of lands .....	15453
New Mexico:	
Proposed land classification .....	15454
Proposed withdrawal and reservation of lands .....	15454
Termination of proposed withdrawal and reservation of lands .....	15454

**NARCOTICS AND DANGEROUS  
DRUGS BUREAU****Notices**

Statement of organization, functions and procedures .....	15450
---	-------

**NATIONAL PARK SERVICE****Notices**

Administrative Clerk et al., Hope-well Village National Historic Site; delegation of authority .....	15455
--	-------

**POST OFFICE DEPARTMENT****Rules and Regulations**

Miscellaneous amendments to chapter .....	15416
---	-------

**SECURITIES AND EXCHANGE  
COMMISSION****Notices**

<i>Hearings, etc.:</i>	
Alcar Instruments, Inc .....	15464
Continental Vending Machine Corp .....	15464
Westec Corp .....	15465

**STATE DEPARTMENT**

See Agency for International Development.

**TRANSPORTATION DEPARTMENT**

See Federal Aviation Administration.

**TREASURY DEPARTMENT**

See also Fiscal Service.

**Notices**

Commissioner of Internal Revenue; delegation of authority ..	15449
--	-------

**List of CFR Parts Affected**

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

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

**7 CFR**

225 .....	15405
722 (2 documents) .....	15405, 15406
1033 .....	15407
1488 .....	15408

**PROPOSED RULES:**

68 .....	15432
980 .....	15432
1097 .....	15433

**9 CFR****PROPOSED RULES:**

311 .....	15433
-----------	-------

**12 CFR**

217 .....	15408
329 .....	15408

**14 CFR**

25 .....	15410
39 (2 documents) .....	15410, 15411
71 (3 documents) .....	15412
95 .....	15412
103 .....	15412
399 .....	15413

**PROPOSED RULES:**

71 .....	15434
151 .....	15435

**16 CFR**

13 (3 documents) .....	15414, 15415
------------------------	--------------

**21 CFR**

121 (2 documents) .....	15415, 15416
-------------------------	--------------

**PROPOSED RULES:**

141b .....	15433
146b .....	15433

**25 CFR****PROPOSED RULES:**

151 .....	15429
255 .....	15431

**31 CFR****PROPOSED RULES:**

209 .....	15426
-----------	-------

**32 CFR**

1 .....	15380
2 .....	15383
3 .....	15386
4 .....	15387
5 .....	15387
7 .....	15388

9 .....	15391
---------	-------

10 .....	15391
----------	-------

13 .....	15392
----------	-------

14 .....	15392
----------	-------

16 .....	15392
----------	-------

18 .....	15393
----------	-------

19 .....	15393
----------	-------

30 .....	15400
----------	-------

850 .....	15404
-----------	-------

887 .....	15404
-----------	-------

888 .....	15404
-----------	-------

**36 CFR**

400 .....	15379
-----------	-------

**39 CFR**

154 .....	15416
-----------	-------

155 .....	15416
-----------	-------

161 .....	15416
-----------	-------

**47 CFR**

73 .....	15417
----------	-------

74 .....	15417
----------	-------

**50 CFR**

32 (5 documents) .....	15424, 15425
------------------------	--------------

33 .....	15425
----------	-------

# Rules and Regulations

## Title 36—PARKS, FORESTS, AND MEMORIALS

### Chapter IV—American Battle Monuments Commission

#### PART 400—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with sections 201 through 209 of title 18, United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 400 is added to Title 36 of the Code of Federal Regulations, reading as follows:

Sec.	
400.735-1	Adoption of regulations.
400.735-2	Review of statements of employment and financial interests.
400.735-3	Disciplinary and other remedial action.
400.735-4	Gifts, entertainment, and favors.
400.735-5	Outside employment and other activity.
400.735-6	Specific provisions of agency regulations governing special Government employees.
400.735-7	Statements of employment and financial interests.
400.735-8	Supplementary statements.

**AUTHORITY:** The provisions of this Part 400 issued under E.O. 11222, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.101 et seq.

#### § 400.735-1 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the American Battle Monuments Commission (referred to hereinafter as the agency) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: 735.101, 735.102, 735.201a, 735.202 (a), (d), (e), (f), 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403(a), 735.404, 735.405, 735.407-735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

#### § 400.735-2 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the Officer in Charge, U.S. Office, except those of the Officer in Charge, U.S. Office, and the Secretary, American Battle Monuments Commission. The statement of the Officer in Charge, U.S. Office, shall be reviewed by the Secretary of the American Battle Monuments Commission. The statement of the Secretary, American Battle Monuments Commission, shall be reviewed by the Chairman of the Agency. When a review indicates a conflict between the interests of an employee or special Government employee of the agency and the

performance of his services for the Government, the reviewer shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the reviewer shall forward a written report on the indicated conflict to the Chairman, American Battle Monuments Commission, through the counselor for the agency designated under 5 CFR 735.105(a).

#### § 400.735-3 Disciplinary and other remedial action.

An employee or special Government employee of the agency who violates any of the regulations in this part or adopted under § 400.735-1 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

- (a) Changes in assigned duties;
- (b) Divestment by the employee or special Government employee of his conflicting interest; or
- (c) Disqualification for a particular assignment.

#### § 400.735-4 Gifts, entertainment, and favors.

The agency authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)-(4).

#### § 400.735-5 Outside employment and other activity.

An employee of the agency may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing to his supervisor.

#### § 400.735-6 Specific provisions of agency regulations governing Government employees.

(a) Special Government employees of the agency shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 400.735-1, except 5 CFR 735.203(b).

(b) Special Government employees of the agency may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the agency authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees

as are authorized for employees by § 400.735-4.

#### § 400.735-7 Statements of employment and financial interests.

(a) In addition to the employees required to submit statements of employment and financial interests under 5 CFR 735.403(a), employees in the following named positions shall submit statements of employment and financial interests:

- (1) Secretary;
- (2) Officer in Charge, U.S. Office;
- (3) Officer in Charge, European Office;
- (4) Chief Maintenance Division, European Office;
- (5) Chief Purchasing and Contracting Branch, European Office;
- (6) Officer in Charge, Mediterranean Office;
- (7) Superintendent, Manila American Cemetery.

(b) Each statement of employment and financial interests required by this section shall be submitted to:

American Battle Monuments Commission,  
2018 Munitions Building, Washington, D.C.  
20360. Attention: Officer in Charge.

Statements shall be submitted in double sealed envelopes, and the inner envelope shall be annotated with the words: "Statement of Employment and Financial Interests—Attention: Officer in Charge."

(c) An employee who believes that his position has been improperly included in this section as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the agency's grievance procedure.

#### § 400.735-8 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code or the regulations in this part or adopted under § 400.735-1.

These regulations were approved by the Civil Service Commission on July 24, 1968, and are effective on publication in the FEDERAL REGISTER.

The American Battle Monuments Commission.

A. J. ADAMS,  
Major General, U.S. Army,  
Secretary.

OCTOBER 9, 1968.

[F.R. Doc. 68-12639; Filed, Oct. 16, 1968; 8:50 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

#### MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

#### PART 1—GENERAL PROVISIONS

1. Sections 1.102 and 1.103-5 are revised; in § 1.305-2, the introductory text of paragraph (a) is revised; §§ 1.305-3 (a) (1) and 1.319(f) are revised; in § 1.322-1, the first sentence of paragraph (a) is revised; and § 1.322-3(c) is revised, as follows:

##### § 1.102 Applicability of subchapter.

This subchapter shall apply to all purchases and contracts made by the Department of Defense, within or outside the United States (but see § 1.109-4), for the procurement of supplies or services which obligate appropriated funds (including available contract authorizations), unless otherwise specified herein, except transportation services procured by transportation requests, transportation warrants, bills of lading, and similar transportation forms. (Procurement of these excepted transportation services shall be in accordance with specific regulations and instructions issued by the Military Traffic Management and Terminal Service, Military Sea Transportation Service, Military Airlift Command, and the Departments.

##### § 1.103-5 Dating contract clauses.

Contract clauses in this subchapter are identified by showing the year and month of issuance of the clause, as most recently revised, in parentheses immediately after the title, e.g., "Incentive Price Revision (Firm Target) (April 1968)". Where an alternative paragraph is provided for insertion in a clause, the identifying date is shown in parentheses immediately following the text of the paragraph. In contract forms using ASPR clauses, each clause should be shown with its identifying date in the manner prescribed above, except that (a) standard forms are not subject to this requirement and (b) Department of Defense forms and departmental forms that were issued prior to October 1, 1960, should not be revised solely to meet this requirement. Where a clause to be used in a contract represents a deviation from this subchapter, a date will not be shown.

##### § 1.305-2 General.

(a) The time of delivery or performance is an essential element for inclusion in a contract and must be clearly set forth in invitations for bids and requests

for proposals. Delivery and performance schedules shall be designed to meet the requirements of the particular procurement, with due regard to all relevant factors, and must be realistic. Delivery and performance schedules which are unreasonably tight or difficult of attainment are inimical to full competition, inconsistent with small business policies (see § 1.702(b) (6)), and may result in higher contract prices. Therefore, prior to issuing an invitation for bids or request for proposals, the contracting officer shall question any delivery requirement which appears unrealistic, and, if necessary, initiate action to make appropriate adjustments, with due attention to relevant factors such as applicable transportation factors (see part 19 of this chapter) and those listed below:

##### § 1.305-3 Terms.

(a) Delivery schedules may be expressed in terms of—

(1) Specific calendar dates (e.g., on or before, July 1, 1968);

##### § 1.319 Renegotiation performance reports.

(f) *Advanced-Development, Engineering-Development, and Operational-Systems-Development, and Production Contracts.* Upon request of the Renegotiation Board, the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics) (see § 1.908-1), shall furnish Contractor Performance Evaluation Reports on advanced-development contracts, engineering-development contracts, and operational-systems-development contracts and production contracts which follow or are concurrent with the development contracts that are evaluated.

##### § 1.322-1 General.

(a) *Description of procedure.* Multi-year procurement is a method for competitive contracting for known requirements for military supplies, in quantities and total cost not in excess of planned requirements for 5 years, set forth in, or in support of, the Department of Defense 5-Year Defense Program, even though the total funds ultimately to be obligated by the contract are not available to the contracting officer at the time of entering into the contract. \* \* \*

##### § 1.322-3 Evaluation.

(c) Delivery destinations may be unknown for certain quantities due to the extended duration of contract performance. In such cases, destinations shall be developed on the basis of best estimates; a definite place or places shall be designated in the solicitation as the point to which transportation costs will be computed (but only for the purpose of evaluating bids or proposals); and the solicitation shall contain the notice required under § 2.201(b) (30) of this chapter.

2. Sections 1.400 and 1.402 are revised; new § 1.406 is added; and §§ 1.703(c) (1) and 1.905-3(c) are revised, as follows:

##### § 1.400 Scope of subpart.

This subpart deals with the procurement responsibility and authority of (a) the Head of a Procuring Activity, (b) purchasing offices, (c) contract administration offices, and (d) contracting officers, and with the appointment of contracting officers. This subpart also imposes limitations upon the authority to enter into and administer contracts. For the purpose of this subpart, the term "contracting officer" does not include authorized representatives of the contracting officer.

##### § 1.402 Authority of contracting officers.

Contracting officers at purchasing offices (see § 1.201-24) are authorized to enter into contracts for supplies or services on behalf of the Government, and in the name of the United States of America, by formal advertising, by negotiation, or by coordinated or interdepartmental procurement; and when authorized to administer such contracts, in accordance with this subchapter. This authority is subject to the requirements prescribed in §§ 1.403 and 1.404 and any further limitations, consistent with this subchapter, imposed by the appointing authority. Contracting officers at contract administration offices (see § 1.201-25) are, except as otherwise provided, authorized to perform the applicable contract administration functions (see § 1.406) and to perform additional procurement functions when delegated by the purchasing office.

##### § 1.406 Contract administration functions.

When a contract is assigned for administration, functions which have been determined to be the responsibility of the contract administration component will automatically be performed by that component, and a delegation or assignment letter is unnecessary. However, if special instructions pertaining to administration of a particular contract are to apply, they should be contained in a letter accompanying the contract when it is assigned for administration. Each contract assigned by a purchasing office to a contract administration component for administration shall contain or be accompanied by all procuring agency instructions or directives which are incorporated in such contract by reference. Functions listed below are the responsibility of, and, except as otherwise provided, shall be performed by contract administration offices. This section constitutes the authority of the contract administration office to perform contract administration functions to the extent applicable, in accordance with this subchapter and the provisions of contracts assigned for administration as follows:

- Review contractor's compensation structure;
- Review the contractor's insurance plans;

(c) Review and approve or disapprove contractor's requests for payments under the progress payments clause;

(d) Determine the allowability of costs suspended or disapproved on a DCAA Form 1 when a written appeal has been received from the contractor, direct the suspension or disapproval of any costs when there is reason to believe that they should be suspended or disapproved, and approve final vouchers;

(e) Negotiate provisional, interim billing, and final overhead rates when the contract contains the clause in § 3.704 of this chapter, except when negotiation responsibility is placed elsewhere in accordance with departmental procedures;

(f) Negotiate understandings consistent with agreements negotiated under § 15.107 applicable to treatment of costs under contracts currently assigned for administration;

(g) Negotiate prices and execute supplemental agreements for spare parts and other items selected through provisioning procedures;

(h) Review and evaluate contractor's proposals in accordance with § 3.801-3(b) of this chapter and furnish comments and recommendations to the procuring contracting officer when negotiation will be accomplished by the procuring contracting officer;

(i) When authorized by the purchasing office, negotiate or negotiate and execute supplemental agreements incorporating contractor proposals resulting from change orders issued under the Changes clause (Prior to completion of negotiations and issuance of the supplemental agreement, any delivery schedule change shall be coordinated with the purchasing office.);

(j) Manage special bank accounts;

(k) Assure timely notification by the contractor of any anticipated overrun or underrun of the estimated cost under cost-type contracts;

(l) Review, approve, or disapprove and maintain surveillance of the contractor's procurement system;

(m) Consent to the placement of subcontracts;

(n) Monitor contractor's financial condition and advise the procuring contracting officer when contract performance is jeopardized thereby;

(o) When authorized by the purchasing office, negotiate prices and execute priced exhibits for unpriced orders issued by the procuring contracting officer under basic ordering agreements;

(p) Issue tax exemption certificates;

(q) Conduct postaward orientation conferences;

(r) Issue work requests under maintenance, overhaul, and modification contracts;

(s) Negotiate and execute contractual documents for settlement of partial and complete contract terminations for convenience, except as otherwise prescribed by Part 8 of this chapter;

(t) Perform necessary screening, redistribution, and disposal of contractor inventory;

(u) Perform property administration;

(v) Prepare findings of fact and issue decisions under the Disputes clause on matters on which the contract administration office has the authority to take definitive action;

(w) Assure processing and execution of duty-free entry certificates;

(x) In facilities contracts—

(1) Evaluate contractor's requests for facilities and changes to existing facilities, and provide the procuring contracting officer with appropriate recommendations thereon;

(2) Assure required screening of facility items before acquisition by contractor;

(3) Approve use of facilities on a non-interference basis in accordance with paragraph (b) of the clause in § 7.702-12 of this chapter;

(4) Assure payment of any rental due; and

(5) Assure reporting of items no longer needed for defense production;

(y) Perform production support, surveillance, and status reporting, including timely reporting of potential and actual slippages in contract schedules;

(z) Perform preaward surveys;

(aa) Perform industrial readiness and mobilization production planning field surveys and schedule negotiations;

(bb) Monitor compliance with labor and industrial relations matters under the contract, apprising the procuring contracting officer of actual or potential labor disputes, and removing material from strikebound contractor's plants upon instructions from the procuring contracting officer;

(cc) Perform traffic management services including issuance and control of Government bills of lading and other transportation documentation;

(dd) Review the adequacy of the contractor's traffic operations;

(ee) Review and evaluate preservation, packaging, and packing;

(ff) Provide surveillance of contractor design, development, and production engineering efforts;

(gg) Review engineering studies, design, and proposals, and make recommendations to the system/project manager or purchasing office;

(hh) Evaluate and monitor contractor engineering efforts and expenditures in accordance with contract terms;

(ii) Conduct surveillance of contractor engineering practices with regard to subcontractors;

(jj) Review, on a continuing basis, contractor test plans and directives for compliance with contract terms; compare milestone; progress, and cost against contract requirements;

(kk) Assist in classification of waivers and deviations;

(ll) Evaluate the adequacy of contractor engineering data control systems, including assurance that systems provide for timely incorporation of changes in data being acquired;

(mm) Monitor contractor value engineering programs;

(nn) Review cost reduction proposals and submit comments regarding effect of proposed changes on the engineering requirements of the contract;

(oo) Evaluate and perform surveillance of contractor configuration management systems and procedures;

(pp) Perform surveillance of contractor engineering change systems; review Class I engineering change proposals, and comment on engineering feasibility and need; assist in price analysis of engineering changes; review Class II engineering changes to insure proper classification;

(qq) Evaluate the contractor management, planning, scheduling, and allocation of engineering resources;

(rr) Evaluate and monitor contractor reliability and maintainability programs;

(ss) Review and evaluate for technical adequacy the logistic support, maintenance, and modification programs accomplished by the contractor;

(tt) Make appropriate comments to purchasing offices on any inadequacies noted in specifications;

(uu) Perform procurement quality assurance;

(vv) Maintain surveillance of flight operations;

(ww) Assure contractor compliance with applicable safety requirements;

(xx) Assure contractor's compliance with small business and labor surplus area mandatory subcontracting program, conducting, on an as-required basis, small business and labor surplus area set-aside surveillance, and providing advice to small business and labor surplus area concerns;

(yy) Administer the Department of Defense Industrial Security Program (This function shall be performed by the Defense Supply Agency on behalf of all Departments.);

(zz) Make payments on assigned contracts;

(aa) Assign and perform supporting administration; and

(bbb) Assure timely submission of required reports.

Procurement functions not designated as contract administration functions shall remain the responsibility of the purchasing office.

§ 1.703 Determination of status as small business concern.

(c) *Product classification*—(1) *Determination by contracting officer.* The contracting officer shall determine the appropriate classification of a product establishing the small business definition to be used in a specific procurement. Both the classification and the applicable size standard (number of employees, average annual receipts, etc.), pursuant to § 1.701, shall be set forth in the Schedule of each solicitation which anticipates an expenditure in excess of \$2,500. The contracting officer's determination shall be final unless appealed in accordance with subparagraph (2) of this paragraph.

### § 1.905-3 Sources of information.

(c) Existing information within the Department of Defense—including records (e.g., § 1.908-1) on file and knowledge of personnel within the purchasing office making the procurement, other purchasing offices, related activities, contract administration offices, audit activities, and offices concerned with contract financing.

3. New §§ 1.908, 1.908-1, 1.908-2, 1.908-3, and 1.908-4 are added; § 1.1204 is revised; and Subpart M is revoked, as follows:

#### § 1.908 Contractor performance evaluation.

##### § 1.908-1 Contractor performance evaluation (development and production).

The Contractor Performance Evaluation Program is a procedure for determining and recording the effectiveness of advanced-development (with measurable contractual commitments), engineering-development, and operational-systems-development, and production contractors in meeting the performance, schedule, and cost provisions of their contracts. The program requires project managers within the Military Departments to submit periodic Contractor Performance Evaluation Reports (See DD Form 1446 series) for all such development contracts whose projected cost for a single year will exceed \$2 million or whose projected overall cost will exceed \$10 million and for all production contracts that follow or are concurrent with the development contracts evaluated (until firm specifications susceptible to price competition are in use), if the projected cost exceeds \$5 million for a single year or if the projected overall cost exceeds \$20 million. After review or certification by the appropriate Departmental Contractor Performance Evaluation Group (see DD Form 1447 series), the report is submitted to the contractor and then transmitted, with the contractor's comments, to the Director of Contractor Performance Evaluation, Office of the Assistant Secretary of Defense (Installations and Logistics), for storage in a central data bank and use by Source Selection Advisory Councils or other persons or groups acting in similar capacity, contracting officers in determining fees or profits and the Renegotiation Board (see § 1.319(f)). The central data bank is maintained at the Defense Documentation Center of the Defense Supply Agency, Cameron Station, Alexandria, Va. 22314. Detailed procedures for this program are set forth in the Department of Defense Guide to Contractor Performance Evaluation (Development and Production).

##### § 1.908-2 Contractor Performance Record (Supply Contracts).

A Contractor Performance Record (CPR) is a factual historical documentation of contract performance data prepared by the cognizant contract ad-

ministration office on completed or terminated DoD supply contracts. The CPR provides an orderly and uniform method of determining and recording how effectively supply contractors meet their contractual commitments.

(a) For each supply contract of \$100,000 or more, except those contracts authorized for retention by purchasing offices, a contract performance record shall be prepared by the cognizant contract administration office utilizing DD Form 1661, Contractor Performance Record (Supply Contracts). (See F-200-1661.) Subject to the approval of OASD (Installations and Logistics) and if the military departments and defense agencies concerned consider it desirable and make request therefor, certain other supply contracts that do not fall within the foregoing category may be recorded.

(b) The cognizant contract administration office shall ensure that fully qualified personnel prepare, review, and distribute as specified in paragraph (d) the completed record within 20 days after final acceptance of the last delivery under or termination of the contract.

(c) The monitor of the Contractor Performance Record Program shall permit an authorized contractor representative to review the Contractor Performance Record Reports. Upon the written request of a senior official of a contractor for a copy of a specific CPR Report it shall be furnished to the requesting official.

(d) The original of the Contractor Performance Record (CPR) for every contract shall be retained by the preparing activity administrative contracting officer for use and disposition as prescribed in § 1.308. A copy of the record shall be distributed to:

(1) The preaward survey activity in the cognizant contract administration plant or DCAS region office for deposit in the contractor performance record data bank; and

(2) The purchasing office identified in the contract.

(e) Written comments of the contractor received after distribution should also be included in the record. Attempt should be made to resolve any problems raised by such comments and, if appropriate, an amended contractor performance record shall be prepared and distributed.

(f) The preaward survey activity in the cognizant contract administration office (Defense Contract Administration Services Region headquarters or Military Department cognizant plant activity) shall maintain the contractor performance record data bank. The monitor of the contractor performance record program shall respond to inquiries from authorized Government procurement activities. He shall furnish an immediate analysis of the available contractor performance record data, supplemented by known data on current contracts, and shall transmit to the requesting activity a copy of all available records or summary thereof within 2 working days when requested.

(g) In the selection of contractors for award of supply contracts \$100,000 and

over, available contractor performance records shall be considered by the contracting officer in determining:

(1) Prospective contractor's responsibility.

(2) Profit or fee.

(3) Source selection, or

(4) Any combination of the above.

(h) The contracting officer should obtain from the monitor of the Contractor Performance Record Program and consider the following:

(1) Available documented information developed under the contractor performance record program, or

(2) A statement that there is no record on file.

This information or statement may be obtained for proposed awards under \$100,000 if it is established to be relevant.

(i) Disclosure of contractor performance record data to other Government agencies and to Foreign Governments may be made in accordance with § 1.316. Contractor performance records will not be released outside the Government except to the contractor identified in the specific contract (paragraph (c) of this section). Completed DD Form 1661, Contractor Performance Record, and appended pages pertaining thereto, will be marked "For Official Use Only" (§ 286.8 (b) (5) (i) (d) of this chapter).

##### § 1.908-3 Architect-engineer contractor performance data.

For each contract over \$10,000 awarded, a performance evaluation report shall be prepared by the cognizant construction activity, utilizing DD Form 1413, "Performance Evaluation—Architect-Engineer Professional Services Contractor". Such reports may also be prepared for contracts of lesser amounts. For contracts of over \$10,000, DD Forms 1413 shall be distributed, filed, and utilized in a manner similar to qualifications data (GSA Standard Forms 251), above, except that distribution also shall be made to the Washington headquarters of the respective construction activities.

##### § 1.908-4 Performance evaluation of construction contractors.

Performance evaluations of construction contractors shall be made and distributed in accordance with the following procedures and shall be used in making contractor responsibility determinations. (See §§ 1.900 and 18.106 of this chapter.)

(a) *Preparation of performance reports.* (1) For each construction contract of \$10,000 or more, a performance evaluation report shall be prepared, by the cognizant construction activity, at the time of final acceptance of the work, utilizing DD Form 1596, "Construction Contractor Performance Evaluation Report."

(2) Performance evaluation reports will also be prepared, at the time of termination, for every construction contract over \$2,000 that is terminated for default and for every construction contract of \$100,000 or more that is terminated for the convenience of the Government.

(3) The head of each procuring activity that awards construction contracts shall establish procedures within his command to assure that fully qualified personnel prepare and review these reports. Normally, the evaluating official should be the officer or civilian who is responsible for supervising the work. The reviewing official should have knowledge of the contractor's performance and normally will be an officer or civilian at a higher organizational level than the evaluating official.

(4) Prior to forwarding an overall unsatisfactory performance report, the evaluating or reviewing official will advise a responsible official of the contractor's organization that an unsatisfactory report is being prepared and the facts on which it is based. Any written comments made by the contractor shall be included in the report and mistakes of fact alleged shall be resolved and made a part of the report.

(b) *Distribution of performance reports.* (1) The original of the performance evaluation report for every contract will be retained by the activity preparing the report for a minimum of 6 years after date of the report. In addition, the reviewing official will forward a copy of the following reports to the offices listed in subparagraph (2) of this paragraph:

(i) Reports with an overall unsatisfactory evaluation,

(ii) Reports which cite outstanding performance, and

(iii) Reports for all contracts in excess of \$200,000.

(2) Offices to which reports are to be forwarded are as follows:

(i) Office of the Chief of Engineers, Attention: ENGM-C, Building T-7, Washington, D.C. 20315.

(ii) Contractor Liaison Office, Naval Facilities Engineering Command, Yards and Docks Annex, Washington, D.C. 20390.

(iii) Director of Procurement and Production, Air Force Logistics Command (Attention: MCFPL), Wright-Patterson Air Force Base, Dayton, Ohio 45433.

(3) The heads of the activities indicated above are responsible for establishing procedures and practices which will assure appropriate distribution and utilization of performance evaluation data within their respective Departments.

(c) *Utilization of performance reports.* In the selection of fully qualified responsible contractors for construction contracts above \$1 million, the contracting officer shall obtain the following from one of the three data banks listed in paragraph (b) (2) of this section:

(1) A record of the number of contracts and the total dollar amount for all satisfactory evaluations; and

(2) Complete transcripts of all performance evaluations showing unsatisfactory performance either on individual elements or overall evaluation, or remarks on outstanding performance. These transcript(s) or statement(s) may be obtained for smaller awards.

§ 1.1204 Preservation, packaging, packing, and marking policies.

(a) All Department of Defense supplies, materials, and equipment shall be

afforded the degree of preservation, packaging, and packing required to prevent deterioration and damage due to the hazards to which they must be subjected during shipment, handling, and storage.

(b) Appropriate preparation for delivery requirements, preservation, packaging, packing, and marking shall be included in procurement documents. Requirements for preservation, packaging and packing shall be stated in terms of DoD levels; e.g., Level A, Level B, etc.; marking requirements shall be as provided in paragraph (d) of this section. (See § 19.204 of this chapter.) When a commodity specification is used for procurement, the required levels of preservation, packaging, and packing contained in that specification shall also be stated in the procurement document. A specimen clause for preservation, packaging, and packing for specification items is set forth in § 7.104-67(a) of this chapter. When a commodity specification is not used, the procurement document shall include (contain or refer to) detailed preservation, packaging, packing, and marking requirements for each applicable level. A specimen clause for preservation, packaging, and packing for nonspecification items is set forth in § 7.104-67(b) of this chapter.

(c) Item and destination information furnished by the requiring activity shall be used by the procuring contracting officer in determining appropriate level(s) of preservation-packaging, level(s) of packing, and required marking. Packaging specialists shall be used to the maximum extent practicable for the development or establishment of preservation, packaging, packing, and marking requirements for individual procurements and for evaluating the contractor's cost estimates or charges for such services.

(d) Detailed marking requirements are provided in MIL-STD-129, "Marking for Shipment and Storage." Additional marking requirements shall be included in the contract or otherwise furnished by the procuring contracting officer. The clause in § 7.104-68 of this chapter is a minimum requirement, for inclusion, in procurement documents regarding marking of shipments. For items having shelf life limitations, the marking requirements shall include:

(1) Dating or other maximum allowable age or shelf life limitations from time of delivery from the contractor or otherwise;

(2) Required temperature, humidity, or other storage conditions; and

(3) Type I or Type II shelf life data (see MIL-STD-129D) for each unit of material, issue, package, intermediate container, and exterior shipping container of packaged and packed items.

See also § 3.409(b) of this chapter.

(e) Reports and recommendations furnished by the contract administration office concerning apparent instances of excessive or inadequate preservation, packaging, packing, and marking requirements in procurement documents shall be used by the procuring contract-

ing office as a basis for reviewing those requirements.

**Subpart M—Transportation  
[Revoked]**

**PART 2—PROCUREMENT BY FORMAL  
ADVERTISING**

4. In paragraph (a) of § 2.201, subparagraphs (11), (34), and (35) are revised, and new subparagraphs (41) and (42) are added; in paragraph (b) of § 2.201, subparagraphs (5), (12), and (13) are revised, and new subparagraphs (25), (26), (27), (28), (29), (30), (31), (32), and (33) are added; paragraph (f) of § 2.405 is revoked; and § 2.407-5 is revised, as follows:

**§ 2.201 Preparation of invitation for bids.**

\* \* \* \* \*

(a) \* \* \*  
(1) DD Form 1423 (Contract Data Requirements List) (see § 16.815 of this chapter); one or more line items in the Schedule referring to DD Form 1423 and requiring delivery of all data listed thereon;

\* \* \* \* \*

(34) When MILSTAMP procedures are applicable to shipments of supplies, a provision setting forth the obligations of the contractor under such procedures (see § 19.101 of this chapter).

(35) A statement as follows:

This procurement is not set aside for labor surplus area concerns. However, the bidder's status as such a concern may affect entitlement to award in case of tie bids or of bid evaluation in accordance with the Buy American clause of this solicitation. In order to have his entitlement to a preference determined if those circumstances should apply, the bidder must:

(i) Furnish with his bid evidence that he or his first-tier subcontractor is a certified concern in accordance with 29 CFR 8.7(b), and identify below the address in or near a "section of concentrated unemployment or underemployment," as classified by the Secretary of Labor, at which the costs he will incur on account of manufacturing or production (by himself if a certified concern or by certified concerns acting as first-tier subcontractors) amount to more than 30 percent of the contract price; or

(ii) Identify below the persistent or substantial labor surplus area in which the costs that he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than 50 percent of the contract price.

Failure to furnish evidence of certification by the Secretary of Labor if applicable, and to identify the locations as specified above will preclude consideration of the bidder as a labor surplus area concern. Bidder agrees that if, as a labor surplus area concern, he is awarded a contract for which he would not have qualified in the absence of such status, he will perform the contract or cause it to be performed, in accordance with the obligations which such status entails. (JUNE 1968)

\* \* \* \* \*

(41) When required by § 12.811(a) of this chapter, the following provisions:

(i) On the face page or cover sheet of the solicitation, this notice:

Note the certification of nonsegregated facilities in this solicitation. Bidders, offerors, and applicants are cautioned to note the "Certification of Non-Segregated Facilities" in the solicitation. The certification provides that if the amount of the bid or proposal exceeds \$10,000, the bidder, offeror, or applicant, by signing this bid or offer certifies that he does not and will not maintain or provide for his employees facilities which are segregated on a basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. Failure of a bidder or offeror to agree to the certification will render his bid or offer non-responsive to the terms of solicitations involving awards of contracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause. (MARCH 1968)

(ii) Certification of nonsegregated facilities (applicable to contracts, subcontracts, and agreements with applicants who are themselves performing federally assisted construction contracts, exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause).

By the submission of this bid, the bidder, offeror, applicant, or subcontractor certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. The bidder, offeror, applicant, or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom or otherwise. He further agrees that (except where he has obtained identical certifications from proposed subcontractors for specific time periods) he will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of Equal Opportunity clause; that he will retain such certifications in his files; and that he will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

Notice to prospective subcontractors of requirement for certifications of nonsegregated facilities. A Certification of Nonsegregated Facilities, as required by the May 9, 1967, order on Elimination of Segregated Facilities, by the Secretary of Labor (32 F.R. 7439, May 19, 1967), must be submitted prior to the award of a subcontract exceeding \$10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (i.e., quarterly, semiannually, or annually). (MARCH 1968)

(NOTE: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.)

(42) The applicable size standard and product classification (see §§ 1.701 and 1.703 of this chapter).

(b) \* \* \*

(5) Place and method of delivery (see Part 19 of this chapter).

(12) When optional packing or packing methods are permitted and when the bidder's shipping weights or dimensions will be a factor in evaluating transportation costs (see § 19.210 of this chapter), a provision substantially as follows:

Guaranteed maximum shipping weights and dimensions. Each bid (or proposal) will be evaluated to the destination specified by

Item	Max. shpg. wt. per ctr. (lbs.)	No. of items per ctr.	Type of ctr. (fiber, wood; box, bbl., etc.)	Size of ctr. (in inches) (L x W x H)	Shpg. character (K.D, set-up, nested, etc.)
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If the bidder (or offeror) fails to state his guaranteed maximum shipping weight and dimensions for the supplies as requested, the Government will use the estimated weights and dimensions below for evaluation; and the Contractor agrees this will be the basis for any reduction in contract prices as provided in this clause. The Government's estimated weights (and dimensions, if applicable) are as follows:

(13) When a solicitation may result in an f.o.b. origin contract and the item to be purchased is new to the supply system, nonstandard, or a modification of previously shipped item such that a different freight classification may apply (e.g., contains new materials, ingredients, changed weight, cube, configuration, etc.) (see § 19.202(b) of this chapter), a provision as follows:

Freight classification description. Bidders (or offerors) are requested to indicate, below, the full Uniform Freight Classification (rail) description, or the National Motor Freight Classification description applicable to the supplies, the same as bidder (offeror) uses for commercial shipment. This description should include the packing of the commodity (box, crate, bundle, loose, setup, knocked down, compressed, unwrapped, etc.), the container material (fiberboard, wooden, etc.), unusual shipping dimensions, and other conditions affecting traffic descriptions. The Government will use these descriptions as well as other information available to it to determine the classification description most appropriate and advantageous to the Government. Bidder (offeror) understands that shipments on any f.o.b. origin contract awarded, as a result of this solicitation, will be made in conformity with the shipping classification description specified by the Government, which may be different from the classification description furnished below.

For freight classification purposes, bidder (or offeror) describes this commodity as

(JUNE 1968)

(25) When bids (or proposals) are to be solicited f.o.b. origin only and when requirement exists for transit arrangements at transit point(s) in the United States (excluding Alaska and Hawaii) (see § 19.206(a) of this chapter), a provision as follows:

Transit arrangements. The lowest appropriate common carrier transportation costs, including through transit rates and charges

adding to the f.o.b. origin price all transportation costs to said destination. The guaranteed maximum shipping weights and dimensions of the supplies are required for determination of transportation costs. The bidder (or offeror) is requested to state as part of his offer the weights and dimensions. If separate containers are to be banded and/or skidded into a single shipping unit, details must be described. If delivered supplies exceed the guaranteed maximum shipping weights or dimensions, the contract price shall be reduced by an amount equal to the difference between the transportation costs computed for evaluation purposes based on bidder's (or offeror's) guaranteed maximum shipping weights or dimensions and the transportation costs that should have been used for bid (or proposal) evaluation purposes based on correct shipping data.

where applicable, from bidder's (or offeror's) shipping points, via the transit point, to the ultimate destination will be used in evaluating bids (or proposals). Transit point(s) Destination(s) (June 1968)

(26) When bids (or proposals) are to be solicited f.o.b. origin only and when it is desired that a bidder (offeror) be permitted to offer commercial transit credits (see § 19.206(b) of this chapter), a provision as follows:

Transportation transit privilege credits. If the bidder (offeror) has established with regulated common carriers transit privileges which can be applied to the supplies when shipped from the original source, bidder (offeror) is invited to offer to utilize such credits to ship the supplies to the designated Government destinations under commercial bills of lading, paying all remaining transportation charges connected therewith, subject to reimbursement by the Government in an amount equal to the remaining charges but not exceeding the amount quoted by the bidder (offeror) below. Such shipments under paid commercial bills of lading will move for the account of and at the risk of the Government, after loading on carrier's equipment and acceptance by the carrier (unless, pursuant to the "Changes" clause, the office administering the contract directs use of Government bills of lading). The amount quoted below by the bidder (offeror) represents the transportation costs, in cents per 100 pounds (freight rate) for full carload/truckload shipments of the supplies from bidder's (offeror's) original source via his transit plant or point to the Government destination(s) listed below by the bidder (offeror), including the carrier's transit privilege charge, less the applicable transit credit (i.e., the amount (rate) initially paid to the carrier for shipment from original source to bidder's transit plant or point). The rate per cwt. quoted will be used by the Government to evaluate the offered f.o.b. origin price unless a lower rate is applicable on the date of bid opening (or closing date specified for receipt of proposals). To have his bid (offer) evaluated on this basis, bidder (offeror) must insert below the remaining

transportation charges which he agrees to pay, including any transit charges, and which are subject to reimbursement by the Government, as explained in this provision, to destinations listed in the Schedule as follows:

Rate per cwt. in cents -----  
 -----  
 To destination -----  
 -----

(JUNE 1968)

(27) When the contract is to include the clause in § 7.104-70 of this chapter and when it is believed that a prospective contractor is likely to include in his f.o.b. origin price a contingent amount to compensate for what may be for him an extremely unfavorable routing condition which the Government has the option to specify at the time of shipment (see § 19.208-2(b) of this chapter), a provision substantially as follows:

*F.O.B. origin (with differentials).* Notwithstanding the f.o.b. origin delivery terms set forth in the "F.O.B. Origin" clause of the contract, it may be advantageous to the bidder (or offeror) to submit f.o.b. origin prices in the Schedule which include only the lowest cost to the Contractor of loading for shipment at his plant or most favorable shipping point. The cost beyond such plant or point of bringing to the place of delivery and loading, blocking, and bracing on the type vehicle specified by the Government at the time of shipment may exceed the bidder's (offeror's) lowest cost when he ships for his own account. Accordingly, bidders (or offerors) may indicate below a differential which, as explained below, may be added to the offered price, such differential to be expressed as a rate in cents for each 100 pounds (CWT.) of the supplies for one or more of the options, under the clause entitled "F.O.B. Origin," which the Government may specify at the time of shipment. Such differential(s), if specified below, will be considered in the evaluation of bids (or proposals) to determine the lowest overall cost to the Government from the Contractor's shipping point to the destinations indicated in the Schedule. If, at the time of shipment, the Government specifies (normally on a Government bill of lading) a mode of transportation, type of vehicle, or place of delivery for which the bidder (or offeror) has set forth a differential, the Contractor shall include the total of such differential costs (the applicable differential multiplied by the actual weight on the Government bill of lading), as a separate reimbursable item on his invoice for the supplies. Under this clause (F.O.B. Origin (With Differentials)), the Government shall have the option of performing or arranging at its own expense any transportation from Contractor's shipping plant or point to carrier's facility at the time of shipment and, whenever this option is exercised, no reimbursement shall be made by the Government based on a quoted differential. Bidder's (or offeror's) differential(s), if any, in cents for each 100 pounds for optional mode of transportation, types of vehicle, transportation within a mode, or place of delivery, specified by the Government at the time of shipment, and not included in the f.o.b. origin price indicated in the Schedule by the bidder (or offeror), is (are) as follows:

-----  
 (Carload, truckload, less-load, wharf, flatcar, driveway, etc.)

(JUNE 1968)

(28) To establish the means the Government will use in f.o.b. origin solici-

tions in applying transportation costs for evaluation (see § 19.208-2(c) of this chapter), a provision substantially as follows (which may be modified to accommodate other methods of transportation):

*Evaluation—F.O.B. origin.* Land methods of transportation by regulated common carrier are normal means of transportation used by the Government for shipment within the United States (excluding Alaska and Hawaii). Accordingly, for the purpose of evaluating bids (or proposals), only such methods will be considered in establishing the cost of transportation between bidder's (or offeror's) shipping point and destination (tentative or firm, whichever is applicable), in the United States (excluding Alaska and Hawaii). Such transportation cost will be added to the bid (or proposal) price in determining the overall cost of the supplies to the Government. When tentative destinations are indicated, they will be used only for evaluation purposes, the Government having the right to utilize any other means of transportation or any other destination at the time of shipment.

(29) When supplies are to be delivered outside of the United States and more than one U.S. port of loading meets the eligibility criteria applicable to the nature and quantity of the supplies for movement to the overseas destination (see §§ 19.208-1(b) and 19.213-1(d) of this chapter), a provision as follows:

EVALUATION OF EXPORT BIDS (OR PROPOSALS)  
 (JUNE 1968)

*A. Port handling and ocean charges.* In evaluating bids (or proposals), port handling and ocean charges on file and published by the Military Traffic Management and Terminal Service as of the date of bid opening (or the closing date specified for receipt of proposals) and effective for the date of the expected initial shipment will be used.

*B. F.O.B. origin, transportation under government bill of lading.* (1) Bids (or proposals) will be evaluated and awards made on the basis of the lowest laid down cost to the Government at the overseas port of discharge, via methods and ports compatible with required delivery dates and conditions affecting transportation known at the time of evaluation. Included in this evaluation, in addition to the f.o.b. origin price of the item, will be the inland transportation costs from the point of origin in the United States to the port of loading, port handling charges at the port of loading, and the ocean shipping costs from the U.S. port of loading to the overseas port of discharge (see D below). The Government may designate the mode of routing of shipment and may load from other than those ports specified for evaluation purposes.

(2) Bids (or proposals) will be evaluated on the basis of shipment through one of the ports set forth in paragraph D below, to the overseas port of discharge. Evaluation will be made on the basis of shipment through the port that will result in the lowest cost to the Government. Ports of loading will be considered as destinations within the meaning of the term "f.o.b. destination" as that term is used in the "F.O.B. Origin" clause of this contract.

*C. F.O.B. port of loading with inspection and acceptance at origin.* (1) Bids (or proposals) will be evaluated on the basis of the lowest laid down cost to the Government at the overseas port of discharge via methods compatible with required delivery dates and conditions affecting transportation known at the time of evaluation. Included in this evaluation, in addition to the price to the

U.S. port of loading (see (2) below), will be the port handling charges at the port of loading and the ocean shipping cost from the port of loading to the overseas port of discharge (see D below).

(2) Unless bids (or offers) are applicable only to f.o.b. origin delivery under Government bills of lading (see B above), bidders (or offerors) must designate, below, at least one of the ports of loading listed in paragraph D below, as their place of delivery. Failure to designate at least one of the ports as the point to which delivery will be made by the Contractor may render the bid (or offer) nonresponsive.

PLACE OF DELIVERY:

-----  
 (Insert at least one of the ports listed in paragraph D below.)

*D. Ports of loading for bid (or proposal) evaluation.* Ports to be used by the Government in evaluating bids (or proposals) are as follows:

-----  
 (Ports)

*E. Ports of loading nominated by bidder (offeror).* The above-named ports of loading listed in D above are considered by the Government to be appropriate for this solicitation due to their compatibility with methods and facilities required to handle the cargo and types of vessels and to meet the required overseas delivery dates. Notwithstanding the foregoing, bidders (or offerors) may nominate additional ports of loading which the bidder (offeror) considers to be more favorable to the Government. The Government may disregard such nominated port(s) if, after considering the quantity and nature of the supplies concerned, the requisite cargo handling capability, the available sailings on U.S. Flag vessels, and other pertinent transportation factors, it determines that use of the nominated port(s) is not compatible with the required overseas delivery date. U.S. Great Lakes ports of loading may be considered in the evaluation of bids (or offers) only for those items scheduled herein for delivery during the ice-free or navigable period as proclaimed by the authorities of the St. Lawrence Seaway (normal period is between April 15 and November 30 annually). All ports named, including those nominated by bidders (or offerors), and determined to be eligible as provided herein, will be considered in evaluating all bids (or proposals) received in order to establish the lowest laid down cost to the Government at the overseas port of discharge. All determinations will be based on availability of ocean services by U.S. Flag vessels only. Additional U.S. port(s) of loading nominated by bidder (or offeror), if any: -----

Bidder (or offeror) will indicate whether price(s) is (are) based on:

- Paragraph B, f.o.b. origin, transportation by GBL to port listed in D;
- Paragraph C, f.o.b. destination (i.e., a port listed in D);
- Paragraph E, f.o.b. origin, transportation by GBL to port nominated in E; and/or
- Paragraph E, f.o.b. destination (i.e., a port nominated in E).

(30) When the exact destination is not known (see § 19.208-4(a) of this chapter), a provision as follows:

*Destination unknown.* For the purpose of evaluating bids (or proposals), and for no other purpose, the final destination(s) for the supplies will be considered to be as follows:

-----  
 (JUNE 1968)

(31) When the exact destination is not known (see § 19.208-4(a) of this chapter), or when f.o.b. origin contracts may result (see § 19.209 of this chapter), a provision as follows:

**F.O.B. origin—carload and truckload shipments.** The Contractor agrees that shipment shall be made in carload or truckload lots when the quantity to be delivered to any one destination in any delivery period pursuant to the contract schedule of deliveries is sufficient to constitute a carload or truckload shipment, except as may otherwise be permitted or directed, in writing, by the Contracting Officer. For bid (or proposal) evaluation purposes, the agreed weight of a carload or truckload will be the highest applicable minimum weight which will result in the lowest freight rate (or per car charge) on file or published in common carrier tariffs or tenders as of the date of bid opening (or the closing date specified for receipt of proposals). For purposes of actual delivery, the agreed weight of a carload or truckload will be the highest applicable minimum weight which will result in the lowest freight rate (or per car charge) on file or published as of date of shipment. If the total weight of any scheduled quantity to a destination is less than the highest carload/truckload minimum weight used for bid (or proposal) evaluation, the Contractor agrees to ship such scheduled quantity in one shipment. The Contractor shall be liable to the Government for any increased costs to the Government resulting from failure to comply with the above requirements. (JUNE 1968)

(32) When the supplies may be purchased f.o.b. origin (see § 19.212 of this chapter), a provision as follows:

**SHIPPING POINT(S) USED IN EVALUATION OF F.O.B. ORIGIN BIDS (OR PROPOSALS) (JUNE 1968)**

A. If more than one shipping point or plant is designated by the bidder (or offeror) and he fails to indicate the quantity per shipping point or plant prior to bid opening (or the closing date specified for receipt of proposals), the Government will evaluate the bid (or proposal) on the basis of delivery of the entire quantity from the point or plant where cost of transportation is most favorable to the Government.

B. If the bidder (or offeror), prior to bid opening (or the closing date specified for receipt of proposals), fails to indicate any shipping point or plant, the Government will evaluate the bid (or proposal) on the basis of delivery from the plant at which the contract will be performed, as indicated in the bid or proposal. If no such plant is indicated in the bid (or proposal), then the bid (or proposal) will be evaluated on the basis of delivery from the Contractor's business address indicated on Standard Form 33 or other bid (proposal) form.

C. If the bidder (or offeror) utilizes a shipping point other than that which has been used by the Government as a basis for the evaluation of bids (or proposals), any increase of transportation costs shall be borne by the Contractor and any savings shall revert to the Government.

(33) When both f.o.b. origin and f.o.b. destination bids are desired (see § 19.104-2(b) of this chapter), a provision as follows:

**F.O.B. ORIGIN AND/OR DESTINATION (JUNE 1968)**

Bids (Offers) are invited on the basis of both, f.o.b. origin and f.o.b. destination, and the Government will award on such basis as the Contracting Officer determines to be most advantageous to the Government. A

bid (An offer) on the basis of f.o.b. origin only or f.o.b. destination only is acceptable, but will be evaluated only on the basis submitted.

**§ 2.405 Minor informalities or irregularities in bids.**

(f) (Revoked).

**§ 2.407-5 Other factors to be considered.**

The factors set forth in paragraphs (a) through (f) of this section, among others, may be considered in evaluating bids.

(a) Foreseeable costs or delays to the Government resulting from differences in inspection, location of supplies, transportation, etc. If, pursuant to § 19.301-1 of this chapter, bids are on an f.o.b. origin basis, transportation costs to the designated destination points shall be considered in determining the lowest cost to the Government.

(b) Changes made or requested in any of the provisions of the solicitation to the extent that any such change does not constitute ground for rejection of the bid under the provisions of § 2.404.

(c) Advantages or disadvantages to the Government that might result from making multiple awards (see § 2.201(b) (19)).

(d) Qualified products (see Subpart K, Part 1 of this chapter).

(e) Federal, State, and local taxes (see Part 11 of this chapter).

(f) Origin of supplies, whether domestic or foreign, and if foreign, the application of the Buy American Act or any other prohibition on foreign purchases (see Part 6 of this chapter).

**PART 3—PROCUREMENT BY NEGOTIATION**

5. Paragraph (d) in § 3.101 is revised; in § 3.501(b), subparagraphs (27), (39), (47), (65), and (66) are revised and new subparagraphs (69), (70), and (71) are added; § 3.609-1 is revised; new paragraphs (e), (f), and (g) are added to § 3.807-12; and § 3.808-5(d) (2) is revised, as follows:

**§ 3.101 Negotiation as distinguished from formal advertising.**

(d) Consideration of delivery requirements (see § 1.305 and Part 19 of this chapter);

**§ 3.501 Preparation of request for proposals or request for quotations.**

(27) Place and method of delivery (see Part 19 of this chapter);

(39) A statement as follows:

This procurement is not set aside for labor surplus area concerns. However the offeror's status as such a concern may affect entitlement to award in case of tie offers, or of offer evaluation in accordance with the Buy American clause of this solicitation. In order

to have his entitlement to a preference determined if those circumstances should apply, the offeror must:

(i) Furnish with his offer evidence that he or his first-tier subcontractor is a certified concern in accordance with 29 CFR 8.7(b), and identify below the address in or near a "section of concentrated unemployment or underemployment," as classified by the Secretary of Labor, at which the costs he will incur on account of manufacturing or production (by himself if a certified concern or by certified concerns acting as first-tier subcontractors) amount to more than 30 percent of the contract price; or

(ii) Identify below the persistent or substantial labor surplus area in which the costs that he will incur on account of manufacturing or production (by himself or his first-tier subcontractors) amount to more than 50 percent of the contract price.

Failure to furnish evidence of certification by the Secretary of Labor if applicable, and to identify the locations as specified above will preclude consideration of the offeror as a labor surplus area concern. Offeror agrees that if, as a labor surplus area concern, he is awarded a contract for which he would not have qualified in the absence of such status, he will perform the contract or cause it to be performed, in accordance with the obligations which such status entails. (JUNE 1968)

(47) When MILSTAMP procedures are applicable to shipments of supplies, a provision setting forth the obligations of the contractor under such procedures (see § 19.101 of this chapter);

(65) DD Form 1423 (Contract Data Requirements List) (see §§ 3.807-12 and 16.815 of this chapter); one or more line items in the Schedule referring to DD Form 1423 and requiring delivery of all data listed thereon; provision stating that if offeror has failed to complete Items 25 and 26 of the form in accordance with instructions thereon as part of his original submission and refuses to complete them on request, his offer may be rejected.

**CONTRACTOR'S DATA CERTIFICATION (APRIL 1967)**

The offeror shall submit with his offer a certification as to whether he has delivered or is obligated to deliver to the Government under another contract or subcontract the same data; if so, he shall identify one such other contract or subcontract for each item of data and state where he has already delivered such data.

(66) When ASPR clause in § 7.104-62 is included in the contract and Table 2, § 30.8 of this chapter, does not list addresses of the required special distribution recipients, the applicable names and addresses shall be included in the contract schedule. The purchasing office issuing the contract shall include in the contract schedule, referencing the line item as necessary, the addresses of the status control activity/inventory manager, and, if applicable, the processing purchasing office, cited in the Military Interdepartmental Purchase Request (MIPR).

(69) When required by § 12.811(a), the provisions set forth in § 2.201(a) (41) of

this chapter regarding maintenance of segregated facilities;

(70) The applicable size standard and product classification (see §§ 1.701 and 1.703 of this chapter); and

(71) The appropriate transportation solicitation provisions set forth in § 2.201(b) (12), (13), and (25) through (33) of this chapter.

§ 3.609-1 General.

U.S. Government National Credit Card (Standard Form 149) is the only credit card authorized for use to obtain from commercial facilities listed in Federal Supply Schedule, FSC Group 91, Part III, the following supplies and services:

(a) For motor vehicles—premium and regular grade gasoline, diesel oil, regular and premium grade lubricating oil, lubrication services, oil filter elements, air filter service, tire and tube repairs, battery charging, washing and cleaning services, mounting and dismounting chains, permanent type antifreeze, emergency replacement of defective spark plugs, fan belts, windshield wipers, lamps, and other emergency repairs, known in the automobile trade as "road repairs."

(b) For small aircraft—aviation fuel and oil.

Activities shall maintain adequate safeguards to assure proper use and disposition of credit cards. In the event a Standard Form 149 is lost, stolen, or damaged, the activity concerned shall requisition a duplicate in accordance with the procedures governing the acquisition of Standard Form 149 set forth in § 3.609-2. If the lost or stolen credit card is recovered, it or the duplicate shall be destroyed. When no longer required, the Standard Form 149 shall be destroyed. The GSA booklet, "Government Vehicle Operators: Your Guide to Service Stations for Gasoline, Oil and Lubrication" shall be made available to all motor vehicle operators.

§ 3.807-12 Estimated Data Prices (DD Form 1423).

(e) When data are procured and Items 25 and 26 of DD Form 1423 are required to be completed, the contract schedule will include one or more contract line items for data.

(f) After agreeing upon a negotiated contract price, the contracting officer will adjust the estimated prices for data on the original DD Form 1423 to equal the amount included in the contract line item(s) entitled "Data." Adjusted DD Forms 1423 will be maintained so as to be readily available at each procuring activity.

(g) When printing is to be procured as an integral part of a contract for other supplies or services, each requirement in the contract for printing shall be listed as a separate line item on DD Form 1423; and the approval or waiver obtained pursuant to § 5.601 of this chapter shall be appropriately identified.

§ 3.808-5 Assignment of values to specific factors.

(d) Record of contract performance.

(2) Contracting officers should insure that an adequate review is made of contractor's past performance in order that an objective evaluation of this performance may be accomplished. For assistance in determining fee or profit for an advanced-development, engineering-development, operational-systems-development or production contract in excess of \$1 million, the contracting officer shall obtain from the Defense Documentation Center, Attention: DDC-TSR, Cameron Station, Alexandria, Va. 22314 (see § 1.908-1 of this chapter), a transcript of the performance evaluation of the contractor with whom negotiations are being conducted or a statement that there is no record on file. This transcript or statement may be obtained for a procurement below \$1 million. This information shall be furnished within 3 working days from receipt of the request by the Defense Documentation Center. Reports of cost reduction monitors, small business, labor surplus, and other specialists involved in the evaluation of the various aspects of contractor performance shall be obtained.

PART 4—SPECIAL TYPES AND METHODS OF PROCUREMENT

6. Section 4.106-4(d) is revised; § 4.117 is revoked; and § 4.118 is redesignated as § 4.117 as follows:

§ 4.106-4 Evaluation for award.

(d) In evaluating proposals for contracts in excess of \$1 million for advanced development, engineering development, operational systems development, and follow-on or concurrent production contracts, the Source Selection Advisory Council or any other person or group acting in a similar capacity shall obtain from the Defense Documentation Center, Attention: DDC-TSR, Cameron Station, Alexandria, Va. 22314 (see § 1.908-1 of this chapter), a transcript of the performance evaluations of all contractors submitting acceptable proposals, or a statement that there is no record on file. This transcript or statement may be obtained for a procurement below \$1 million. This information shall be furnished within 3 working days from receipt of the request by the Defense Documentation Center.

§ 4.117 Contractor Performance Evaluation Program. [Revoked]

§ 4.117 Contractor team arrangements. [Redesignated]

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

7. Sections 5.601, 5.1101-7, 5.1103-6, 5.1106-4(a), 5.1106-5, 5.1107-1, 5.1107-2, and 5.1108-1(a) (1) are revised to read as follows:

§ 5.601 Printing and related supplies.

Printing, binding, and blankbook work, and envelopes, paper, and related sup-

plies shall be procured in accordance with (a) regulations of the Congressional Joint Committee on Printing, and (b) procedures prescribed by each respective Department. For example, printing requirements (e.g., reproducible masters, camera-ready copy in page format, page lithographic negatives, etc.) for technical manuals and other publications (not commercial manuals or technical manuals in manuscript form) may not be procured as an integral part of a contract for supplies or services unless approval has been obtained from the Congressional Joint Committee on Printing or the Public Printer. Responsibility within each Department for obtaining waivers and for dealing with the Congressional Joint Committee on Printing and the Public Printer on matters relating to printing is vested in one specifically designated office or agency. In the Army, this responsibility is vested in The Adjutant General; in the Navy, in the Director, Navy Publications and Printing Service; in the Air Force, in the Director, Administrative Services, Headquarters, USAF; and in the Defense Supply Agency, in the Staff Director, Administration, Headquarters, DSA.

§ 5.1101-7 Reimbursable procurement.

Category I method of funding refers to the procurement of supplies for a Requiring Department on a contract funded by the Procuring Department, without separate identification of the items or separate citation of funds of the Requiring Department, with subsequent delivery to and reimbursement by the Requiring Department.

§ 5.1103-6 Consolidation of requirements.

The primary object of coordinated procurement is to obtain for the Government maximum economy through the consolidation of requirements and the elimination thereby of competitive purchases among the Departments. The Procuring Department shall, to the extent consistent with the delivery schedule of the Requiring Department, consolidate in one contract its own requirements for the same or similar items plus all requirements received via MIPRs or other purchase requests.

§ 5.1106-4 Delivery schedules.

(a) In submitting MIPRs the Requiring Department should take into consideration the normal administrative lead time of the particular commodity in order to insure delivery by the date required. The time of delivery or performance is an essential element for inclusion in a contract and must be clearly stated in each MIPR. Delivery and performance schedules on MIPRs shall be designed to meet the requirements of the particular procurement and must be realistic (see § 1.305 of this chapter). If the delivery schedule as set forth in a MIPR is unrealistic or cannot be accepted by the Procuring Department, the DD Form 448-2 "Acceptance of MIPR" will be so annotated (see § 5.1109-3). Changes in the requested delivery schedule shall

be accomplished in accordance with § 5.1108-5.

§ 5.1106-5 Specifications, drawings, and other purchase data.

The Requiring Department shall furnish to the Procuring Department a list (or copies) of specifications, drawings, and other data, as appropriate, required for the procurement. If Federal, Military, Departmental, or other specifications, or drawings or data are available to the Procuring Department and referenced in the MIPR, they need not be furnished by the Requiring Department. Under no circumstances shall the Procuring Department direct or authorize deviations or waivers from the specifications, drawings, or other purchase data included in the MIPR without express authority of the Requiring Department (but see § 14.406(b) of this chapter). Required changes in such purchase data shall be accomplished as set forth in § 5.1108-5.

§ 5.1107-1 Citation of appropriation and funds of Requiring Department—Category II Method of Funding.

Except as provided in § 5.1107-2 contracts and orders for other than integrated supply management materiel shall cite the appropriations or funds of the Requiring Department. The Procuring Department shall determine which type of funding (direct citation or reimbursable procurements) shall be used.

§ 5.1107-2 Citation of funds of Procuring Department—Category I method of funding.

Under the conditions listed below, only the funds of the Procuring Department shall be cited in the consolidated contracts; and the contracts and orders thereunder shall provide for payment by the Procuring Department or by the Defense Contract Administration Services as appropriate:

(a) Delivery is from existing inventories of the Procuring Department;

(b) Delivery is by diversion from existing contracts of the Procuring Department which cite the funds of the Procuring Department;

(c) Production or assembly is through Government work orders in Government-owned plants;

(d) Allocation of production quantities among users from one or more contracts for which the identity of specific quantities of the end item to individual contracts is not feasible at the time of MIPR acceptance;

(e) Procurement of the end items involves separate procurement of components to be assembled by the Procuring Department;

(f) Payments will be made without reference to deliveries of end items; e.g., cost-reimbursement type contracts and fixed-price contracts with progress payment clauses; or

(g) It is not feasible and economical to use Category II method of funding.

§ 5.1108-1 Special instructions.

(a) *MIPR number.* The MIPR number will consist of:

(1) The requiring agency identification code as prescribed in the DoD Activity Address Directory. (AR 725-60-1; DSAH 4140.1 for the Department of the Navy and the Defense Supply Agency; AFM 75-6; MCO P4420.2A; CG 364).

8. Sections 5.1109, 5.1109-3(b), and 5.1109-4(a) are revised; § 5.1111-1 is revoked; and §§ 5.1116 and 5.1117 are revised, as follows:

§ 5.1109 Acceptance of MIPR.

As soon as practicable, but not later than 30 days after receipt of a MIPR, the Procuring Department shall formally accept the MIPR by DD Form 448-2, "Acceptance of MIPR." If this time limit cannot be met, the Requiring Department shall be informed of the reason for the delay and the anticipated date the MIPR will be accepted. When accepted for reimbursable procurement, the executed DD Form 448-2 is the authority for the Requiring Department to record the obligation of funds. When accepted for direct citation procurement, the accomplished DD Form 448-2 is notification that copies of contracts will be furnished at a later date and a conformed copy of the contract will be the authority to record the obligation. The accepting activity of the Procuring Department shall remain responsible for the MIPR even though that activity may split the MIPR into segments for actions among other procurement activities.

§ 5.1109-3 Preparation and use of DD Form 448-2 (acceptance of MIPR).

(b) DD Form 448-2 shall be executed for all MIPR amendments involving an adjustment of funds or delivery schedule, and in all other cases only when requested by the Requiring Department.

§ 5.1109-4 Withdrawal of funds.

(a) When the Procuring Department accepts an MIPR for reimbursable procurement in a lesser amount than authorized on the MIPR, the DD Form 448-2 is the authorization for the Requiring Department to withdraw such excess funds by MIPR amendment. Upon receipt of the final billing (SF 1080) and a subsequent determination that all items requested on the MIPR have been delivered and billed in an amount less than the MIPR, the Requiring Department may adjust their fiscal records accordingly without authorization from or notice to the Procuring Department.

§ 5.1111-1 Consignee copies. [Revoked]

§ 5.1116 Status reporting.

(a) The Procuring Department shall maintain an appropriate system of MIPR followup so that the Requiring Department may be informed of the current

status of their requests. In addition, an appropriate system of followup shall be maintained by the contract administration office so that the Procuring Department may be currently informed as to contractor performance and in turn to insure that the Requiring Department is apprised of the status of contracts resulting from MIPRs.

(b) If requested by the Requiring Department, the Procuring Department will furnish the Requiring Department a copy of the solicitation document for materiel management status information when the request is satisfied through the use of direct citation of funds (Category II Method of Funding).

(c) Any reimbursement billings, shipping documents, contractual documents, project orders, or related documentation furnished to the Requiring Department will identify the Requiring Department's MIPR number, quantities of items, and funds covered thereby.

§ 5.1117 Transportation of supplies.

The Requiring Department is responsible for advising the Procuring Department or the Transportation Officer in the Contract Administration Office, as appropriate, the appropriate fund account chargeable for transportation costs in effecting delivery of supplies at Government expense. The Requiring Department shall accomplish this by (a) either citing the fund account on each MIPR, or (b) providing the appropriate fund account to the Transportation Officer of the office administering the contract, at the commencement of each fiscal year, for citation on Government bill of lading. In every instance, the Government bill of lading, which is generally issued by the Transportation Officer in the responsible Contract Administration Office, shall show the Requiring Department as the Department to be billed, and the appropriate fund account designated by that Department.

PART 7—CONTRACT CLAUSES

9. Sections 7.103-6, 7.103-14, and 7.104-62 are revised; and new §§ 7.104-67, 7.104-68, 7.104-69, 7.104-70, 7.104-71, 7.104-72, 7.104-73, 7.104-74, 7.104-75, and 7.104-76 are added, as follows:

§ 7.103-6 Title and risk of loss.

TITLE AND RISK OF LOSS (JUNE 1968)

(a) Unless this contract specifically provides for earlier passage of title, title to supplies covered by this contract shall pass to the Government upon formal acceptance, regardless of when or where the Government takes physical possession.

(b) (1) Unless this contract specifically provides otherwise, risk of loss of or damage to supplies covered by this contract shall remain with the Contractor until, and shall pass to the Government upon:

(i) Delivery of the supplies to a carrier, if transportation is f.o.b. origin;

(ii) Acceptance by the Government or delivery of possession of the supplies to the Government at the destination specified in this contract, whichever is later, if transportation is f.o.b. destination.

(2) Notwithstanding (1) above, the risk of loss of or damage to supplies which so fail to conform to the contract as to give a right of rejection shall remain with the Contractor until cure or acceptance, at which time (1) above shall apply.

(c) Notwithstanding (b) above, the Contractor shall not be liable for loss of or damage to supplies caused by the negligence of officers, agents, or employees of the Government acting within the scope of their employment.

§ 7.103-14 Discounts.

DISCOUNTS (JUNE 1968)

In connection with any discount offered, time will be computed from date of delivery of the supplies to carrier when acceptance is at the point of origin, or from date of delivery at destination or port of embarkation when delivery and acceptance are at either of these points, or from the date the correct invoice or voucher is received in the office specified by the Government, if the latter is later than date of delivery. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.

§ 7.104-62 Material inspection and receiving report.

Insert the following clause:

MATERIAL INSPECTION AND RECEIVING REPORT (FEBRUARY 1968)

At the time of each delivery under this contract, the Contractor shall prepare and furnish to the Government a Material Inspection and Receiving Report (DD Form 250 Series), in the manner and to the extent required by ASFR Appendix I, "Material Inspection and Receiving Report."

However, unless use of the MIRR is desired by the contracting officer, the clause is not required in the following situations:

- (a) Procurements effected under Subpart F, Part 3 of this chapter—Small Purchase and Other Simplified Purchase Procedures;
- (b) Negotiated subsistence procurements;
- (c) Procurement of fresh milk and related fresh dairy products;
- (d) Contracts for which the end item is a scientific or technical report;
- (e) Research and development procurements not requiring the delivery of separately priced end items;
- (f) Base, post, camp, or station procurements when administration is retained by the purchasing office; and
- (g) In overseas areas when the contracting officer determines that the preparation and distribution of DD Form 250 by the contractor would be impracticable, the contracting officer shall arrange for the contractor to provide the information necessary for the preparation of the DD Form 250 by the contract administration personnel; and
- (h) Procurements for services where hardware is not acquired as an item in the contract, e.g., level of effort type contracts; field service type contracts, etc.

§ 7.104-67 Clauses for preservation, packaging, and packing requirements.

(a) The following is an example of a clause suitable for use in a contract con-

taining a commodity specification (see § 1.1204(b) of this chapter).

PREPARATION FOR DELIVERY

(a) *Preservation-Packaging.* Preservation-Packaging for item(s) ----- shall be level ----- of the commodity specification under which the item is procured.

(b) *Packing.* Packing for item(s) ----- shall be level ----- of the commodity specification under which the item is procured.

(b) The following is an example of a clause suitable for use in a contract containing a nonspecification item (see § 1.1204(b) of this chapter).

PREPARATION FOR DELIVERY

(a) *Preservation-Packaging.* Preservation-Packaging for item(s) ----- shall be level ----- as follows:

(b) *Packing.* Item(s) ----- preserved-packaged as above shall be packed level ----- as follows:

§ 7.104-68 Marking of shipments.

The following clause shall be inserted together with any additional marking requirements applicable in accordance with § 1.1204(d).

MARKING OF SHIPMENTS (JUNE 1968)

The Contractor shall mark all shipments under this contract in accordance with the edition of MIL-STD-129, "Marking for Shipment and Storage," in effect as of the date of the solicitation. (Add any additional marking requirements.)

§ 7.104-69 F.O.B. point for delivery of Government-furnished property.

When Government property is to be furnished under a contract and the Government will be responsible for transportation arrangements and costs, insert the following clause.

F.O.B. POINT FOR DELIVERY OF GOVERNMENT-FURNISHED PROPERTY (JUNE 1968)

(a) Unless otherwise specified herein, any Government property furnished to the Contractor for use within the United States (excluding Alaska and Hawaii) or Canada will be delivered by the Government at a point to be specified by the Contractor in his bid (or proposal). Should the Government elect to make delivery by railroad, the f.o.b. point shall be private siding, Contractor's plant. If the Contractor's plant is not served by rail, the f.o.b. point shall be railroad cars in the same or nearest city having rail service. All linehaul transportation costs to the specified destination will be borne by the Government. The Government may choose the mode of transportation and the carriers.

(b) If the destination of such Government-furnished property is a Contractor's plant located outside the 48 contiguous States, the District of Columbia and Canada, the f.o.b. point for Government delivery of Government-furnished property shall be a location in the United States (excluding Alaska and Hawaii) specified by the Contractor. If the Contractor fails to name a point, then the f.o.b. point shall be the port city in the United States, nearest to the Government source of the Government-furnished property, which has regular commercial water transportation services to the offshore port nearest Contractor's plant.

(c) Unless otherwise directed by the Contracting Officer or provided in the contract, the Contractor shall return all Government-furnished equipment, supplies, and property, including all property not returned in the form of acceptable end items, to the point

at which such Government property was originally furnished to the Contractor hereunder. Notwithstanding the fact that the Government may have furnished the property at the Contractor's plant, the Contracting Officer may direct the Contractor to deliver the Government property being returned to, and load, block, and brace it in, railway cars in the city in which the Contractor's plant is located, or, if the Contractor's city is not served by rail service, in the nearest city having rail service. Unless otherwise specified in the contract, all property shall be packed in containers conforming with the rules of common carrier published tariffs so as to be free of penalty charges by the carrier designated for shipment by the Government.

§ 7.104-70 F.O.B. origin.

In accordance with § 19.208-4 (a) or (b) of this chapter, insert the following clause.

F.O.B. ORIGIN (JUNE 1968)

The Contractor is responsible for delivery to, and for loading, blocking, and bracing the supplies on, the carrier's vehicle; or for delivery to and placement on the carrier's wharf (at shipside, within reach of the ship's loading tackle, when shipping point is within a port area having water transportation service) or the carrier's freight station; all at Government's option, whichever place of delivery is specified by the Government at the time of shipment. These Contractor responsibilities are specified for performance at the plant or plants at which such supplies are to be finally inspected and accepted, unless the facilities for shipment by carrier's equipment are not available at the Contractor's plant, in which case they will be performed f.o.b. the point or points in the same or nearest city where the specified carrier's facilities are available; subject, however, to the following qualifications:

(i) If the Contractor's shipping plant is located in the same city (or county) listed as a destination or port of loading in the contract, the Contractor shall deliver the supplies to that destination or port at his expense and such portion of the contract will be "f.o.b. destination."

(ii) If the Contractor's shipping plant is located in the State of Alaska or Hawaii, the Contractor shall deliver the supplies listed for shipment outside Alaska or Hawaii to the port of loading in Alaska or Hawaii, respectively, as specified in the contract, at Contractor's expense, and to that extent the contract will be "f.o.b. destination."

§ 7.104-71 F.O.B. destination.

In accordance with § 19.208-3 of this chapter, insert the following clause.

F.O.B. DESTINATION (JUNE 1968)

Supplies shall be delivered at Contractor's risk to the destination consignee's wharf (if destination is a port city and supplies are for export), warehouse unloading platform, or receiving dock, at the expense of the Contractor. The Government shall not be liable for any delivery, storage, demurrage, accessorial, or other charges involved prior to the actual delivery (or "constructive placement" as defined in carrier tariffs) of the supplies to the destination, unless such charges are caused by an act or order of the Government acting in its contractual capacity. If rail carrier is used, supplies will be delivered to the specified unloading platform of the consignee. If motor carrier (including "piggy-back") is used, supplies will be delivered to truck tailgate at the unloading platform of the consignee. If the Contractor uses rail carrier or freight forwarder for less than carload shipments, he shall assure that the carrier will furnish tailgate delivery if

transfer to truck is required to complete delivery to consignee.

**§ 7.104-72 F.O.B. origin—Minimum size of shipments.**

In accordance with § 19.208-4(b) of this chapter, insert the following clause.

**F.O.B. ORIGIN—MINIMUM SIZE OF SHIPMENTS (JUNE 1968)**

The Contractor agrees that shipment will be made in carload and truckload lots when the quantity to be delivered to any one destination in any delivery period pursuant to the contract schedule of deliveries is sufficient to constitute a carload or truckload shipment, except as may otherwise be permitted or directed in writing by the Contracting Officer. The agreed weight of a carload or truckload will be the highest applicable minimum weight which will result in the lowest freight rate (or per car charge) on file or published in common carrier tariffs or tenders as of date of shipment. In the event the total weight of any scheduled quantity to a destination is less than the highest carload/truckload minimum weight, the Contractor agrees to ship such scheduled quantity in one shipment. The Contractor shall be liable to the Government for any increased costs to the Government resulting from failure to comply with the above requirements. This liability shall not attach if supplies are outsized or of such nature they cannot be loaded at the highest minimum weight bracket.

**§ 7.104-73 Loading, bracing, and blocking of freight car shipments.**

In accordance with § 19.211(a) of this chapter, insert the following clause.

**LOADING, BRACING, AND BLOCKING OF FREIGHT CAR SHIPMENTS (JUNE 1968)**

Upon receipt of shipping instructions, as provided in this contract, the supplies to be included in any carload shipment by rail shall be loaded, braced, and blocked by the Contractor in accordance with the standards published at the time of such shipment by the Association of American Railroads, except that shipments (including all shipments where the Association of American Railroads has published no such standards), loaded, braced, and blocked in accordance with standards accepted by an authorized representative of the railroad over which the shipment originated will be considered as fulfilling these requirements. The Contractor shall be liable for payment of any damage to any supplies caused by the failure to load, brace, and block in accordance with acceptable standards set forth herein. A copy of the appropriate pamphlet of the Association of American Railroads may be obtained from that Association.

**§ 7.104-74 Shipments to ports—export releases and MILSTAMP documentation.**

In accordance with § 19.213-2 of this chapter, insert the clause set forth below. For contracts covering ammunition or its components, or other dangerous supplies, the clause may be modified to accommodate such matters as the period of notice, shipping weights, and quality assurance provisions.

**SHIPMENTS TO PORTS—EXPORT—RELEASES AND MILSTAMP DOCUMENTATION (JUNE 1968)**

At least ten (10) days in advance of the actual shipment to a water port of loading, an

Export Release must be secured by the Contractor from the Government transportation office serving the Contracting Officer administering the contract, for each shipment of 10,000 pounds or more, and each shipment in quantities of less than 10,000 pounds if it will exclusively occupy a railway car or motor vehicle when shipped. Additionally, for all shipments, regardless of weight, consigned to a water or air terminal, a Transportation Control Movement Document (TCMD) must be dispatched to the terminal in accordance with Military Standard Transportation and Movement Procedures (MILSTAMP). This document shall be prepared and dispatched by the foregoing Government transportation office upon receipt of pertinent information furnished by the Contractor. In applying for the Export Release, or in furnishing the information for preparation of the TCMD, the Contractor shall furnish the proposed actual date or dates of shipment, number and type of containers, gross weight and cube of each shipment, number of cars or trucks which will be involved, and the Transportation Control Number (TCN) as required for marking under MIL-STD-129. In those instances where delivery, as directed by the Contracting Officer, is such as to require actual shipment to the port within a shorter period than ten (10) days, the Contractor shall communicate with the above transportation office as soon as it is determined when supplies will be ready for shipment. The Contractor is cautioned not to order railway cars or motor vehicles for loading until an Export Release has been received. The Export Release number and the valid shipping period shall be entered on Government bills of lading in the space entitled "Traffic Control No.". If the valid shipping period has expired, the Contractor shall immediately request a renewal. For f.o.b. port of loading contracts, the Export Release number and the valid shipping period shall be shown on appropriate shipping documents by the Contractor.

**§ 7.104-75 Diversion of shipment under F.O.B. destination contracts.**

In accordance with § 19.215 of this chapter, insert the following clause.

**DIVERSION OF SHIPMENT UNDER F.O.B. DESTINATION CONTRACTS (JUNE 1968)**

(a) When a place of delivery is changed in accordance with the "Changes" clause of this contract, the contract price shall be adjusted pursuant to that clause. Such adjustment shall be made on the basis of a comparison of transportation costs applicable to:

(i) Shipment(s) to the new destination(s) as evidenced by copy of the paid freight bill to be supplied by the Contractor with his invoice; and

(ii) Shipment(s) to the original or old destination as evidenced by copy of the appropriate paid freight bill(s) to be supplied by the Contractor, or, in the event no shipments were made, as evidenced by the applicable rate of a common or contract carrier.

(b) If shipments to the new destination are made by the Contractor owned or leased truck(s) and/or shipments to the original destination were made or would have been made by Contractor owned or leased truck(s), the Contractor shall so certify and, in making an appropriate adjustment in contract prices for payment purposes, a rate equal to 70 percent of the lowest applicable rate published in common carrier tariffs as of the date of shipment shall be substituted by the Government for the Contractor's actual rate or contemplated transportation costs.

(c) If any or all of the following data are not clearly shown on or available from copies of paid freight bills on each diverted shipment, the Contractor shall supply a statement showing:

- (i) Full name of the carrier or carriers in the routing,
- (ii) Number of containers,
- (iii) Gross shipping weight,
- (iv) Actual date of shipment, and
- (v) Freight description for the supplies as indicated in the "National Motor Freight Classification" or the "Uniform Freight Classification" (Rail).

**§ 7.104-76 F.O.B. destination—evidence of shipment.**

In accordance with § 19.208-3 of this chapter, insert the following clause.

**F.O.B. DESTINATION—EVIDENCE OF SHIPMENT (JUNE 1968)**

If this contract is awarded on an f.o.b. destination basis and if transportation is accomplished by:

- (i) Common carrier, the Contractor agrees to furnish in support of his invoice, a copy of the signed commercial bill of lading indicating the carrier's receipt of the supplies covered by the invoice for transportation to the destination specified in the contract;
- (ii) Parcel post, the Contractor agrees to furnish a certificate of mailing with his invoice; and
- (iii) Other than common carrier or parcel post, the Contractor agrees to attach to his invoice a receipted copy of the appropriate delivery document showing receipt at the destination specified in the contract.

10. Sections 7.105-4 and 7.105-8 are revised; § 7.105-9 is revoked; and new §§ 7.205-3 and 7.302-28 are added, as follows:

**§ 7.105-4 Report of shipment (REP SHIP).**

In accordance with § 19.407 of this chapter, insert the following clause.

**REPORT OF SHIPMENT (REPSHIP)**

(JUNE 1968)

Unless otherwise directed by the Contracting Officer, the Contractor shall send a prepaid notice of shipment to the consignee transportation officer when a truckload/carload shipment of supplies weighing 20,000 pounds or more, or a shipment of less weight which occupies the full visible capacity of a railway car or motor vehicle, is given to any carrier (common, contract or private) for transportation to a domestic (i.e., within the United States excluding Alaska or Hawaii, or if shipment originates in Alaska or Hawaii within Alaska or Hawaii, respectively) destination (other than a port for export). The notice will be transmitted by rapid means (electrical if necessary) to be received by the consignee transportation officer at least 24 hours prior to the arrival of the shipment. When the length of time in transit will permit other than electrical means of transmission to provide the information 24 hours prior to arrival of shipment, the Government bill of lading, commercial bill of lading, letter, or other document which contains all of the following should be addressed and sent promptly to the receiving transportation officer via U.S. mail. Such document will be prominently identified by the Contractor as being a "Report of Shipment" or "REPSHIP FOR T.O.".

Message Example:

JUNE 1, 1968.

REPSHIP FOR T.O.  
TRANSPORTATION OFFICER  
DEFENSE DEPOT, MEMPHIS, TENN.  
SHIPPED YOUR DEPOT 1968 JUN 1  
540 CTNS MENS,  
COTTON TROUSERS, 30,240 LB,  
1782 CUBE,  
VIA PRR-L&N<sup>1</sup>  
IN CAR NO. PRR 123456<sup>2</sup> GBL<sup>3</sup>  
C8900031<sup>4</sup>  
CONTRACT DSA ----- ETA<sup>5</sup> JUNE 5.  
JONES & CO., JERSEY CITY, N.J.

§ 7.105-8 Commercial warranty.

In accordance with § 1.324-4 of this chapter, an appropriate commercial warranty clause may be inserted.

§ 7.105-9 Commercial warranty. [Revoked]

§ 7.205-3 Title and risk of loss.

Insert the clause set forth in § 7.103-6.

§ 7.302-23 Title and risk of loss.

Insert the clause set forth in § 7.103-6. 11. Section 7.303-2 is revised; new § 7.404-7 is added; § 7.603-46 is revoked; and in § 7.802-4, the clause heading and clause paragraph (a) (i) are revised, as follows:

§ 7.303-2 Filing of patent applications.

In accordance with the requirements of § 9.106 of this chapter, insert the contract clause set forth therein.

§ 7.404-7 Title and risk of loss.

Insert the clause set forth in § 7.103-6.

§ 7.603-46 Insurance. [Revoked]

§ 7.802-4 Payments clauses for letter contracts.

PAYMENTS OF ALLOWABLE COSTS PRIOR TO DEFINITIZATION OF CONTRACT (JUNE 1968)

(a) Pending the placing of the definitive contract referred to herein, the Government shall currently reimburse the Contractor for all allowable expenditures made hereunder at the following rates:

(i) One hundred percent (100%) of approved costs representing progress payments to Subcontractors under fixed-price type subcontracts: *Provided*, That payment by the Government to the Contractor shall not exceed eighty percent (80%) of the costs incurred by such Subcontractors.

PART 9—PATENTS, DATA, AND COPYRIGHTS

12. Sections 9.107-4(c) (1) and 9.109-3(b) are revised to read as follows:

§ 9.107-4 Procedures.

<sup>1</sup> Name of rail carrier, trucker, or other carrier.

<sup>2</sup> Vehicle identification.

<sup>3</sup> Government bill of lading.

<sup>4</sup> If not shipped by GBL, identify lading document and state whether paid by contractor.

<sup>5</sup> Estimated time of arrival.

(c) \* \* \*

(1) In determining whether such work falls within Category II, the contracting officer shall first determine whether the work is in a field of technology directly related to an area in which the contractor has an "established nongovernmental commercial position." In making this determination, the contracting officer should recognize that the ultimate goal of the policy is to move inventions into the stream of commerce through domestic sales or exports or through domestic and foreign licensing programs. A nongovernmental commercial position can be based upon sales or licensing of military or nonmilitary items to foreign governments, multinational organizations, or foreign nationals. In determining whether a contractor has an established nongovernmental commercial position, the contracting officer will consider and evaluate each known factor which relates to the contractor's ability and willingness to move inventions into the stream of commerce. Factors which typically should be considered as appropriate are:

(i) Whether the contractor is known in the trade as a manufacturer or source of products or services in the area involved; and

(ii) Whether the contractor either (a) is regularly engaged in the sale or licensing, whether domestic or foreign, of such products or services to the general public (including business concerns), foreign governments, multinational organizations or foreign nationals; or (b) has a record of developing nongovernmental commercial markets for inventions in the area involved.

(iii) Have a record of developing nongovernmental commercial markets for inventions in the area involved. A nongovernmental commercial position shall be deemed to include sales of military items to foreign governments or multinational organizations or licensing programs with respect thereto, as well as the export of nonmilitary items to foreign governments or foreign nationals or foreign licensing programs in connection therewith.

§ 9.109-3 Maintenance and use of records of performance.

(b) Where a contract is subject to the Contractor Performance Evaluation Program (§ 1.908-1 of this chapter), the procuring activity shall report to the project manager any significant or repeated failure to comply with the patent right clause. The project manager shall note in the Contractor Performance Evaluation Reports any such information which he has received relating to the contractor's meeting his obligations under the "required clauses."

PART 10—BONDS, INSURANCE, AND INDEMNIFICATION

13. In § 10.405, the introductory text of paragraph (a) is revised; and new §§ 10.406 and 10.506 are added, as follows:

§ 10.405 Work on a Government installation.

(a) Except for contracts (1) of \$2,500 or less, (2) where only a small amount of work is required on a Government installation (e.g., a few brief visits per month), and (3) where all work on a Government installation is to be performed outside the United States, its possessions, and Puerto Rico, insert the clause in § 7.603-10 of this chapter in all construction and architect-engineer contracts requiring work on a Government installation, and the following clause in all other contracts requiring work on a Government installation.

§ 10.406 Capture and detention of contractor employees.

The following clause is authorized for use where the employees of a contractor are subject to capture and detention under circumstances which may be outside the scope of the War Hazards Compensation Act (42 U.S.C. 1701 et seq.).

CAPTURE AND DETENTION (JUNE 1968)

(a) As used in this clause:

(1) "Captured person" means any employee of the Contractor—

(i) Who is assigned to duty outside the United States for the performance of this contract, and

(ii) Who is found to be missing from his place of employment under circumstances that make it appear probable that his absence is due to the action of the force of any power not allied with the United States in a common military effort, or who is known to have been taken prisoner, hostage, or otherwise detained by the force of any such power, whether or not such person is actually engaged in his employment at the time of capture: *Provided*, That at the time the person was captured and detained that the person was either:

(A) Engaged in activity directly arising out of the course of his employment under this contract, or

(B) Captured in an area in which the captured person was present only because such presence was required in order to perform this contract;

(2) A "period of detention" begins with the day of capture and continues until the captured person is returned to his place of employment, or to the United States, or is able to be returned to the jurisdiction of the United States, or until his death is in fact established or legally can be presumed to have occurred by evidence satisfactory to the Contracting Officer, whichever shall occur first;

(3) "United States" comprises geographically the 50 States and the District of Columbia; and

(4) "War Risk Hazards Compensation Act" refers to the statute compiled in chapter 12 of title 42 United States Code (sections 1701-1717), as amended.

(b) If pursuant to an agreement entered into prior to the capture, the Contractor is obligated to pay and shall have paid benefits to a captured person, or his dependents, on account of his detention, the Government will reimburse the Contractor for such payments up to an amount which will equal the lesser of (i) the total wage or salary (computed at the rate being paid at the time of capture) due from the Contractor to the captured person for the period of detention, or (ii) that amount which would have been payable to such person if the detention had occurred under circumstances wherein the

benefit provisions of the War Risk Hazards Compensation Act would have been applicable.

(c) The period of detention shall not be considered as time spent in the performance of this contract, and the Government shall not be obligated to make payment under this contract on account of such person for the period of the detention except as provided in this clause.

(d) The obligation of the Government to make payments provided for by this clause shall be applicable to the entire period of detention except that it is expressly conditioned upon and subject to the availability of funds from which payment can be made. The rights and obligations of the parties under this clause shall survive the earlier expiration, completion, or termination of this contract.

(e) The Contractor shall not be reimbursed under the provisions of this clause for payments made to employees for a period of detention during which the employees were entitled to compensation for capture and detention under the War Risk Hazards Compensation Act, as amended.

#### § 10.506 Capture and detention of contractor employees.

See § 10.406.

### PART 13—GOVERNMENT PROPERTY

14. Section 13.801(a) is revised to read as follows:

#### § 13.801 Appointment of property administrator.

(a) The selection, appointment, and termination of appointment of property administrators shall be made in writing by the Head of a Procuring Activity or his designee for the Defense Supply Agency and by the head of the contract administration office (§ 1.201-25 of this chapter) or his designee for the Military Departments. In selecting qualified property administrators, the appointing authority shall consider experience, training, education, business acumen, judgment, character, and ethics.

### PART 14—PROCUREMENT QUALITY ASSURANCE

15. Section 14.306(a) is revised to read as follows:

#### § 14.306 Acceptance of supplies or services.

(a) Acceptance of supplies or services is the responsibility of the activity to which the function is assigned by the purchasing office. When a Government activity uses services of another Government activity or department for the purpose of acceptance, acceptance by the other activity or department is binding upon the activity for which the services are performed. Unless there are valid reasons to the contrary, acceptance shall be at origin (see § 19.104 of this chapter).

### PART 16—PROCUREMENT FORMS

16. Sections 16.101-1 (b) and (c), 16.102, 16.103(d), 16.104-1 (b) and (d), 16.201, 16.205, 16.405-1, 16.405-2, and 16.405-3 are revised to read as follows:

#### § 16.101-1 General.

(b) Solicitation, Offer and Award (Standard Form 33A July 1966) (The clause set forth in § 7.103-14 shall be substituted for the present clause 9, Discounts.);

(c) General Provisions (Supply Contract) (Standard Form 32 June 1964 Edition)—

(1) The clause set forth in § 1.805-3 (a) of this chapter shall be substituted for the present clause 22, Utilization of Concerns in Labor Surplus Areas; and

(2) The clause set forth in § 7.103-6 shall be substituted for the present clause 6, Responsibility for Supplies.

§ 16.102 Forms for Negotiated Supply or Services Contracts (Standard Forms 18, 26, DD ASPR Form 1270, Standard Form 32,<sup>1</sup> DD ASPR Form 748,<sup>1</sup> and Standard Forms 33, 33A,<sup>1</sup> 36, and 30).

§ 16.103 Amendment of Solicitation/Modification of Contract (Standard Form 30).

(d) Modification of construction contracts. When used to modify a contract for construction, this form may be altered to provide for the contractor's written acknowledgement of the change orders. (See § 16.405-4 for instructions relative to modifying a contract for construction.)

#### § 16.104-1 General.

(b) Date. All date entries shall be constructed with a two-position numeric year; three-position alpha month, and a two-position numeric day; e.g., 68NOV06.

(d) Identification of contract type. When forms discussed in this section are prepared for execution as contract documents, or when the Standard Form 30 is being used as a contract modification document, the type of the contract shall be identified by inserting in the title block the alpha code corresponding to the types described as follows:

<sup>1</sup> On Standard Form 32, 1964 edition, substitute the clause in § 1.805-3(a) of this chapter for clause 22 and the clause in § 7.103-6 of this chapter for clause 6. On Standard Form 33A, July 1966 edition, substitute the clause in § 7.103-14 of this chapter for clause 9. On DD ASPR Form 748, January 1965 edition, substitute the clause in § 1.805-3(a) of this chapter for clause 25 and the clause in § 1.805-3(b) for clause 43.

Code	Type of contract
A-----	Fixed-Price Redetermination, Type A.
B-----	Fixed-Price Redetermination, Type E.
C-----	Fixed-Price Redetermination, Other.
J-----	Firm Fixed-Price.
K-----	Fixed-Price with Escalation.
L-----	Fixed-Price Incentive (with performance incentive).
M-----	Fixed-Price Incentive (without performance incentive).
R-----	Cost-Plus Award Fee.
S-----	Cost.
T-----	Cost-Sharing.
U-----	Cost-Plus-a-Fixed Fee.
V-----	Cost-Plus-Incentive Fee (with performance incentive).
W-----	Cost-Plus-Incentive Fee (without performance incentive).
Y-----	Time and Materials.
Z-----	Labor-Hour.

#### § 16.201 Contractor Performance Evaluation Report (DD Form 1446 Series).

DD Form 1446 Series and DD Form 1447 are prescribed for use in accordance with § 1.908-1 of this chapter.

#### § 16.205 General Provisions—Fixed-Price Supply Contracts (Standard Form 32).<sup>1</sup>

Any negotiated contract to which Subpart A, Part 7 of this chapter, is applicable will include Standard Form 32. The addition of other clauses set forth in Subpart A, Part 7 of this chapter, or of other clauses not inconsistent with this subchapter, shall be accomplished by including such clauses as "Additional General Provisions" numbered consecutively. The deletion or modification of clauses contained in the form or in the "Additional General Provisions" shall be accomplished by appropriate reference or provision in an Alterations in Contract clause. These instructions must be read in conjunction with Subpart A, Part 7 of this chapter, to make certain that current clauses are in use at all times.

#### § 16.405-1 Performance Evaluation-Architect-Engineer Professional Services Contractor (DD Form 1413).

DD Form 1413 is prescribed for use in accordance with § 1.098-3 of this chapter to provide an orderly and uniform method of determining and recording how effectively architect-engineer professional services contractors meet their contractual commitments. It shall be completed by the cognizant construction activity upon the completion or termination of architect-engineer professional services contracts of \$10,000 or more.

#### § 16.405-2 Construction Contractor Performance Evaluation Report (DD Form 1596).

DD Form 1596 is prescribed for use in accordance with § 1.908-4 of this chapter to provide an orderly and uniform method of determining and recording

how effectively construction contractors meet their contractual commitments. It shall be completed by the cognizant construction activity (a) at the time of final acceptance of the work for each construction contract of \$10,000 or more; and (b) at the time of termination, for every construction contract over \$2,000 that is terminated for default and for every construction contract of \$100,000 or more that is terminated for convenience of the Government.

**§ 16.405-3 Experience data forms.**

(a) *U.S. Government Architect-Engineer Questionnaire (Standard Form 251, June 1961 Edition)*. This form is designed to assure the uniform submission of experience and organizational data by architect-engineer firms and shall be used in lieu of any corresponding departmental form.

(b) *Construction Contractor Experience Data (DD Form 1072)*. This form is designed to assure the uniform submission of experience and organizational data by construction contractors and shall be used in lieu of any corresponding departmental form.

17. New § 16.405-4 is added; § 16.817 is revised; and new §§ 16.819, 16.820, 16.821, 16.821-1, 16.821-2, 16.822, 16.823, 16.824, and 16.825 are added, as follows:

**§ 16.405-4 Contract modification forms.**

(a) *Modifications pursuant to provisions of contract*. Modifications affecting the price or time of performance of a construction contract may be made pursuant to the "Changes" and "Termination for Default—Damages for Delay—Time Extensions" clauses of this contract. In addition, for contracts where the invitations for bids or requests for proposals were issued prior to February 1, 1968, modifications affecting price or time of performance may be made pursuant to the "Changed Conditions" clause included in such contracts. For contracts where the invitations for bids or requests for proposals were issued on or after February 1, 1968, modifications affecting price or time of performance may be made pursuant to the "Differing Site Conditions" clause included in such contracts. In any of the above cases, such modifications shall be accomplished on Standard Form 30. The reason for the proposed modification should be stated e.g., reasons for changes, existence of changed conditions or differing site conditions, causes of delay and excusability. If the modification is pursuant to the "Changes" clause, the details of the change should be set forth. If the time of performance is increased or decreased, the extension or decrease should be stated definitely or a statement made that the time for performance remains unchanged. If the contract price is increased or decreased, the increase or decrease should be stated definitely or a

statement made that the contract price remains unchanged. The contractor should be requested to indicate his acceptance on Standard Form 30. Three copies of Standard Form 30 should be sent to the contractor with instructions to return the original and one copy.

(b) *Supplemental agreements*. Amendment of Solicitation/Modification of Contract (Standard Form 30) shall be used to formalize contract modifications providing for work not within the scope of the contract except that provision shall be made for consent of surety in accordance with the format set forth in § 10.111-2 of this chapter.

**§ 16.817 Abstract Forms.**

DD Forms 1501, 1501c, and 1501-1, Abstract of Bids, shall be used to record the bid or proposal evaluation information as required in §§ 1.308, 2.403, and 3.109 of this chapter. In preparing these forms, the extra columns and the continuation sheet may be used to label and record such information as the procuring activity deems necessary.

**§ 16.819 Material Inspection and Receiving Report (MIRR) (DD Form 250 Series).**

DD Forms 250, 250c, and 250-1 shall be used as required by §§ 7.104-62 and 30.8 of this chapter.

**§ 16.820 Transportation Data for IFB's and RFP's (DD Form 1653).**

This form, which will contain recommendations to the PCO concerning f.o.b. terms best suited for the procurement, and other suggested transportation provisions for inclusion in the IFB/RFP, shall be completed upon request of the PCO by the transportation specialist, for association with the appropriate purchase request. When appropriate, DD Form 1653 will also include information on combined port handling and transportation charges to be included in the IFB/RFP in connection with export shipments.

**§ 16.821 Mail and Freight Shipping Information for Receiving Activities (DD Form 1655).**

**§ 16.821-1 General.**

DD Form 1655 is designed to provide information relative to proper points of consignment of supplies.

**§ 16.821-2 Conditions for use.**

DD Form 1655 shall be prepared by transportation personnel and forwarded to the PCO for inclusion with the IFB/RFP. Generally, information to be included on the form will be obtained from the Terminal Facilities Guides published by Military Traffic Management and Terminal Service (MTMTS).

**§ 16.822 Evaluation of Transportation Cost Factors (DD Form 1654).**

This form permits procurement personnel to furnish basic information to the transportation office for development

of transportation cost factors which shall be used by the procuring contracting officer in the evaluation of f.o.b. origin bids or proposals.

**§ 16.823 Application for U.S. Government Bill(s) of Lading/Export Traffic Release (DD Form 1659).**

DD Form 1659 (four page carbon interleaf) shall be prepared by the contractor for submission of advance shipping data to the cognizant contract administration office. In response, the transportation office of the contract administration office shall furnish the required U.S. Government Bill of Lading and the Export Traffic Release, when necessary, required for use in connection with the Government contract.

**§ 16.824 Instructions for Preparation of U.S. Government Bill of Lading (DD ASPR Form 1103).**

The U.S. Government Bill of Lading is an accountable document. Therefore, it is necessary that specific instructions for its use, preparation, and distribution be provided to contractors. DD ASPR Form 1103 provides instructions for contractors to:

- (a) Complete partially prepared U.S. Government Bill of Lading, and
- (b) Prepare prepositioned U.S. Government Bill of Lading.

**§ 16.825 Contractor Performance Record (Supply Contracts) (DD Form 1661).**

DD Form 1661 is prescribed for use in accordance with § 1.908-2 of this chapter to provide an orderly and uniform method of determining and recording how effectively supply contractors meet their contractual commitments. It shall be completed in accordance with the instructions on the reverse side of the form by the cognizant contract administration office at the time of final acceptance or termination of supply contracts of \$100,000 or more except those contracts authorized for retention by purchasing officers.

**PART 18—PROCUREMENT OF CONSTRUCTION AND CONTRACTING FOR ARCHITECT-ENGINEER SERVICES**

18. Section 18.117, 18.117-1, 18.117-2, 18.117-3, and 18.403-4 are revoked, as follows:

- § 18.117 Performance evaluation of construction contractors. [Revoked]
- § 18.117-1 Preparation of performance reports. [Revoked]
- § 18.117-2 Distribution of performance reports. [Revoked]
- § 18.117-3 Utilization of performance reports. [Revoked]
- § 18.403-4 Performance data. [Revoked]

**PART 19—TRANSPORTATION**

19. A new Part 19, Transportation, is added, as follows:

- Sec. 19.000 Scope of part.

## Subpart A—Introduction

- Sec.  
19.100 General.  
19.101 Military standard transportation and movement procedures (MILSTAMP).  
19.101-1 General.  
19.101-2 Responsibilities.  
19.102 Sources of transportation assistance.  
19.103 Responsibilities of the contracting officer.  
19.104 F.O.B. point.  
19.104-1 General.  
19.104-2 Shipments of completed contract items originating within the continental United States.

## Subpart B—Planning and Solicitation

- 19.200 Scope of subpart.  
19.201 Quantity analysis.  
19.202 Commodity description—freight classification.  
19.203 Packaging, packing, preservation and marking requirements.  
19.204 Consignment and marking instructions.  
19.205 Delivery of Government-furnished property.  
19.206 Transit arrangements.  
19.207 Mode of transportation.  
19.208 Solicitation provisions covering F.O.B. point.  
19.208-1 General.  
19.208-2 F.O.B. origin.  
19.208-3 F.O.B. destination.  
19.208-4 Destination unknown.  
19.209 Required shipping weights.  
19.210 Guaranteed shipping weights and dimensions.  
19.211 Transportation responsibilities of contractors.  
19.212 Shipping point(s) used in evaluation of F.O.B. origin bids.  
19.213 Shipments to ports.  
19.213-1 Solicitation provisions.  
19.213-2 Export releases and military standard transportation and movement procedures (MILSTAMP) documentation.  
19.214 Place of delivery for shipments originating outside the United States.  
19.215 Diversions affecting F.O.B. destination transportation costs.  
19.216 Scheduling of deliveries to permit consolidation of shipments.

## Subpart C—Evaluation of Bids and Proposals

- 19.301 Transportation rates and related costs to be used.  
19.301-1 General.  
19.301-2 Sources of transportation rates and related costs.

## Subpart D—Contract Administration

- 19.401 Traffic management for contract administration.  
19.402 Volume movements within the continental United States.  
19.403 Shipping documents covering f.o.b. origin shipments.  
19.403-1 Government bills of lading.  
19.403-2 Use of prepaid commercial bills of lading.  
19.403-3 Shipments by parcel post or other classes of mail.  
19.404 Routing, tracing, and expediting shipments.  
19.405 Demurrage and detention charges.  
19.406 Discrepancies incident to shipment of supplies.  
19.407 Report of shipment (REPSHIP).

**AUTHORITY:** The provisions of this Part 19 issued under sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314.

## § 19.100 Scope of part.

This part prescribes policies and procedures for the application of transportation and traffic management considerations in the procurement of supplies. In general, the terms and conditions contained in this part are applicable to fixed-price contracts; however, if a special requirement exists for application of any of these terms and conditions to other types of contracts (e.g., cost-reimbursement type contracts) for which transportation arrangements are normally the responsibility of the contractor and transportation costs are allowable (see § 15.205-45 of this chapter), the terms and conditions herein shall be used as a guide for both contract coverage of transportation and contracting officer instructions to the contractor to minimize the ultimate transportation costs to the Government. In this part "Continental United States" or "CONUS" means the 48 contiguous states and the District of Columbia. The term "United States" is used as defined in § 1.201-20 of this chapter.

## Subpart A—Introduction

## § 19.100 General.

Transportation and traffic management factors are important in awarding and administering contracts to assure that procurements are made on the basis most advantageous to the Government, all factors considered, and that supplies arrive on time, at the required place, in good condition. The requiring activity shall consider all transportation factors before submitting a purchase request and shall provide the purchasing office with complete information and instructions so that the contracting officer is made aware of and can evaluate all applicable traffic management factors. The requiring activity must consider, to the extent known or ascertainable, present and future requirements, positioning of supplies, and subsequent distribution; the information provided the purchasing office should reflect clearly only the pertinent transportation factors applicable to the particular procurement.

## § 19.101 Military standard transportation and movement procedures (MILSTAMP).

## § 19.101-1 General.

The DoD Regulation 4500.32-R (MILSTAMP) establishes uniform procedures and documents for the generation, documentation, communication and use of transportation information, thus providing the capability for control of shipments moving in the Department of Defense transportation system. The procedures established by the MILSTAMP Regulation are mandatory upon all agencies shipping material or arranging for the procurement and shipment of supplies by Government contractors, through the use of military controlled transport, or through military transshipment facilities as defined in that Regulation.

## § 19.101-2 Responsibilities.

Procuring activities are responsible for assuring that the requirements of the MILSTAMP Regulation are included in appropriate contracts for all applicable shipments and for enforcing such requirements with regard to shipments under their cognizance. This includes requirements relating to documentation, marking, advance notification of shipment dates, and terminal clearances. MILSTAMP has been implemented on a world-wide basis. Specific responsibilities are assigned in that regulation to contract administration offices listed in the DoD Directory of Contract Administration Services Components, DoD 4105.59-H, for movement control and documentation with respect to shipments from contractors (and subcontractors) which are to move via the Department of Defense transportation system. Contractual documents shall therefore designate the contract administration office having cognizance of the contractor (see DoD 4105.59-H), as the contact point to which the contractor will provide necessary information to effect MILSTAMP documentation and movement control including air or water terminal shipment clearances and to obtain data necessary for shipment marking and freight routing. Contractual documents shall specify that the contractor shall not ship directly to a military air or water port terminal without authorization from the designated contract administration office.

## § 19.102 Sources of transportation assistance.

Traffic management advice and assistance and all necessary transportation factors, such as freight rates, transportation costs, transit arrangements, time in transit, port capabilities, and other related information required up to the time of award for the solicitation and award, shall be obtained from the transportation office of the purchasing activity, unless another military activity has been designated as responsible for furnishing such assistance, guidance, or data (see § 16.817 of this chapter).

## § 19.103 Responsibilities of the contracting officer.

The contracting officer shall obtain traffic management advice, assistance, and transportation factors required for solicitations and awards, and the administration, modification, and termination of contracts, including the movement of property by the Government to and from contractors' plants. This is especially important before making an initial procurement of unusually large, heavy, high, wide, or long supplies, or those with sensitive or dangerous characteristics. Additional costs arising from factors such as the use of special equipment, excess blocking and bracing material, circuitous routing, etc., incident to shipment of such supplies shall also be considered, in conjunction with the freight rate, in determining total transportation costs.

## § 19.104 F.O.B. point.

See § 19.208 for solicitation provisions.

§ 19.104-1 General.

(a) Transportation of supplies from sources within the continental United States shall be in accordance with the policies stated in §§ 19.104-19.104-2, except where identifiable costs, established trade practices, nature of the supplies (security, safety or value), delivery requirements (premium modes of transport, escorts, transit arrangements, and tentative conditions), or other advantages, limitations, or requirements dictate otherwise.

(b) Justification for the solicitation of bids or proposals other than on the f.o.b. basis prescribed in §§ 19.104-19.104-2 shall be documented in the contract file (see § 1.308 of this chapter).

(c) (1) The place of performance of Government procurement quality assurance actions and place of acceptance shall not control the transportation term, except that where acceptance is at destination, transportation shall be f.o.b. destination (see § 19.104-2(d)(2)).

(2) Thus, procurement shall be on an f.o.b. destination basis when dictated by § 19.104-2 (a), (b) (when determined to be most advantageous to the Government), or (d), whether inspection and acceptance are to be at origin or at destination. The fact that acceptance is at origin does not necessitate an f.o.b. origin transportation term; and the fact that transportation is to be f.o.b. destination does not alone necessitate changing the place of acceptance from origin to destination. Providing for inspection and acceptance at origin (when appropriate under Part 14 of this chapter), in conjunction with an f.o.b. destination transportation term, may be advantageous to both the Government and the contractor. Acceptance of title at origin by the Government permits payment of the contractor, provided his invoice is supported either by a copy of the signed commercial bill of lading (indicating the carrier's receipt of the supplies covered by the invoice for transportation to the particular destination specified in the contract) or by other appropriate evidence of shipment to the particular destination for the contractor's account. See § 14.306(a) of this chapter.

§ 19.104-2 Shipments of completed contract items originating within the continental United States.

(a) When it is estimated that the contract will require no shipment which will equal 20,000 pounds for delivery to a single destination, procurement shall be on an f.o.b. destination basis. When the supplies are destined for ultimate delivery overseas, the destination shall be a continental U.S. port area or temporary storage or holding area.

(b) When it is estimated that a contract will require one or more shipments of 20,000 pounds or more to any single destination, whether within or outside the continental United States, procurement shall be on the basis of whichever of the following is more advantageous to the Government:

(1) F.o.b. carrier's equipment, wharf, or freight station (at the Government's option) at a specified city or shipping

point at or near contractor's plant (f.o.b. origin); or

(2) F.o.b. destination.

Solicitations shall specify whether bidders or offerors must make bids or proposals on subparagraphs (1) or (2) of this paragraph, or may allow bidders or offerors to choose on which basis they will make a bid or offer (see § 19.208).

(c) (1) In determining whether f.o.b. origin or destination is more advantageous to the Government, consideration should be given to the fact that economies in transportation within the United States are often available when contracts are awarded on an f.o.b. origin basis due to lower freight rates available to the Government. F.o.b. origin contracts also present other traffic management features, in that they:

(i) Permit utilization of transit privileges (see § 19.206);

(ii) Are suitable when destinations are tentative or unknown in which case the solicitation shall be f.o.b. origin only (see § 19.208-4);

(iii) Permit diversions to new destinations without price adjustment (see § 19.215);

(iv) Facilitate use of special routings or types of equipment (see § 19.207);

(v) Facilitate, when necessary, use of premium cost transportation and permit Government controlled transportation; and

(vi) Make possible negotiation for reduced freight rates (see § 19.402).

(2) Generally, procurements with a security classification of confidential or higher shall be purchased f.o.b. origin when the size, bulk, or quantity to be transported will require the employment of commercial transportation services. When required, routing instructions, as well as advice and assistance relative to the particular mode of transportation to be employed, shall be obtained from the appropriate regional office of the Military Traffic Management and Terminal Service.

(d) (1) On the other hand, f.o.b. destination is more advantageous under certain circumstances. The following are examples of situations where f.o.b. destination is normally more advantageous, and the solicitation shall normally be on an f.o.b. destination only basis (see § 19.208-3):

(i) Where supplies are priced the same for delivery throughout the continental United States (nationally priced) or a specified region (regionally priced), regardless of the point at which the Government accepts delivery;

(ii) In the case of bulk supplies, such as coal, which require other than Government-owned or operated handling, storage, and loading facilities, and shipment is destined outside the continental United States;

(iii) Where the supplies consist of steel, or other bulk construction products, for shipment destined outside the continental United States;

(iv) Where the supplies consist of forest products, such as lumber; and

(v) Where the supplies consist of perishable subsistence or medical supplies subject to in-transit deterioration.

(2) When acceptance must be at destination, the solicitation shall be on an f.o.b. destination only basis.

Subpart B—Planning and Solicitation

§ 19.200 Scope of subpart.

This subpart covers the period from receipt of the purchase request to the issuance of the solicitation.

§ 19.201 Quantity analysis.

To the extent feasible, the requiring activity shall schedule its requirements to take full advantage of the savings in transportation costs to be realized from the purchase of carload or truckload quantities.

§ 19.202 Commodity description—freight classification.

(a) Generally, the freight rate for supplies is based upon the rating applicable to the freight classification description published in tariffs filed with Federal and State regulatory bodies. Therefore, a complete description of the commodity to be procured and of required packing and packaging is necessary to determine proper transportation charges for the evaluation of f.o.b. origin bids or proposals for shipments moving under Government bills of lading. When supplies cannot be properly classified through reference to freight classification tariffs or when doubt exists, the applicable freight classification shall be secured from the appropriate regional office of Military Traffic Management and Terminal Service through the transportation office supporting the purchasing office.

(b) When the item being procured is known to be new to the supply system, nonstandard, or a modification of previously shipped items such that a different freight classification may apply (e.g., contain different materials, ingredients, changed weight, cube, configuration, etc.), the provision in § 2.201(b)(13) of this chapter shall be included in a solicitation which will or which may result in an f.o.b. origin contract, since prospective contractors may have established an official freight classification description which can be applied to it and which may result in lower transportation costs to the Government.

(c) Explosives and other dangerous supplies must be adequately described in the solicitation for both safety and transportation purposes. The description shall show the Interstate Commerce Commission shipping name and classification (see ICC Reg., 49 CFR, Parts 0-190), the freight classification, military explosive class, and other data necessary for proper identification of the material.

§ 19.203 Packaging, packing, preservation and marking requirements.

See § 1.1204 of this chapter.

§ 19.204 Consignment and marking instructions.

(a) (1) Complete consignment and marking instructions, to the extent that they are known at the time the contract is awarded, shall be included in contracts

to assist in insuring that supplies will be delivered to proper destinations without delay (see § 16.820 of this chapter). When complete consignment information is not initially known, additional instructions or amendments thereto shall be furnished by the procuring contracting officer as soon as such information becomes known, using Standard Form 30. Consignment instructions shall include, as a minimum, the clear text and coded MILSTRIP data as follows:

- (i) Consignee and destination in clear text;
  - (ii) Project code, when applicable;
  - (iii) Issue priority designator (IPD);
  - (iv) Required delivery date (RDD);
- and
- (v) Coded MILSTRIP document number, demand/suffix code, a supplementary address and signal code.

Non-MILSTRIP shipments shall include data similar to subdivisions (i) through (iv) of this subparagraph, and the applicable portion of subdivision (v), together with the notation "Non-MILSTRIP."

(2) In addition to the data requirements of subparagraph (1) (i) through (v) of this paragraph, amended shipping instructions shall include the following when appropriate:

(i) Name of the activity originally designated, from which the stated quantities are to be deducted; and

(ii) Any other features of the amended instructions not contained in the basic contract.

(b) (1) When necessary to meet required delivery schedules, instructions may be issued by telephone, teletype or telegram: *Provided*, That such instructions shall be confirmed by a Standard Form 30 for each contract.

(2) Confirming delivery instructions shall be stamped or marked "Confirmation" in block letters and shall specify in detail those instructions being confirmed.

(3) Confirmations shall contain no changes to the instructions being confirmed. They shall be submitted as follows:

(i) Telephone—within 5 working days; and

(ii) Teletype or telegram—consolidate on a monthly basis.

(c) Marking instructions shall conform to the provisions of the current issue of MIL-STD-129 (Military Standard Marking for Shipment and Storage).

#### § 19.205 Delivery of Government-furnished property.

See § 7.104-69 of this chapter. When Government property is to be furnished under a contract and transportation costs will be a factor in the evaluation of bids or proposals, the solicitation should include a clear description of the property involved and its location, if known. When the property is explosive or otherwise dangerous, it should also be described according to the regular freight classification and the applicable shipping name and classification given in the Interstate Commerce Commission regulations. Other data should be furnished if

pertinent to inform prospective contractors of all transportation factors necessary for intelligent preparation of estimates.

#### § 19.206 Transit arrangements.

(a) Transit arrangements permit the stopping of a carload or truckload shipment at a specific intermediate point en route to the final destination in order to store, process, or fabricate, or accomplish other purposes, as specified in carrier's tariffs or rate tenders. A single through rate is charged from origin to final destination, plus a transit or other related charge, if applicable, in lieu of a combination of rates to and from the transit point which would result in higher costs. Consideration shall be given to possible benefits to the Government through the use of such transit arrangements. Since f.o.b. destination bidders or offerors can quote only fixed overall delivered prices to the Government at first destination, solicitations incorporating transit arrangements shall be restricted to f.o.b. origin bids or proposals (see §§ 19.104-2(c) (1) (i) and 19.208-2). Traffic management personnel shall furnish necessary information and analyses of situations in which transit arrangements may be beneficial. When transit arrangements will apply, an appropriate provision shall be incorporated in the solicitation and become a factor in the evaluation of bids or proposals. The Government's first and ultimate destination(s) shall both be set forth in the solicitation so that bidders (offerors) will know the evaluation factors. The quantity to be awarded must be of sufficient tonnage to assure that carload shipments can be made by the contractor, and there should be reasonable certainty that shipments out of the transit point will be requisitioned in carload/truckload quantities (transit privileges for truck movement are rare). When a requirement exists for transit arrangements within the continental United States, the solicitation shall include the provision in § 2.201(b) (25) of this chapter.

(b) When only f.o.b. origin bids (offers) (see §§ 19.104-2 and 19.208) are to be solicited for appropriate quantities of supplies of the type which normally vendors have in process or storage, bidders (offerors) should be permitted to offer their earned (recorded with a carrier) commercial transit credits which are available and can be transferred to the Government during the scheduled delivery period. A transit credit represents the transportation cost for a recorded tonnage from an initial shipping point to an intermediate destination (e.g., bidder's plant or shipping point) for storage, processing or other purpose. Upon reshipment to the Government destination, the remaining freight cost between the contractor's initial point and the destination points in the schedule may be lower than the cost of treating the tonnage as a new shipment. Actual lower costs which can be realized by the Government through utilization of such transit credits shall be used in bid evaluation. Even though there may be Government acceptance at origin, shipments to

which transit credits apply will be required to be made on prepaid commercial bills of lading: *Provided*, That this does not preclude a proper change in delivery terms pursuant to the Changes clause. Normally, when transit credits apply, the contract, although f.o.b. origin, will require the contractor to pay the transportation charges on shipments to which the transit credits apply subject to reimbursement by the Government (total freight costs from bidder's original source for the supplies, via his plant to the Government destination, less the amount previously paid for transportation to his plant, plus the usual transit privilege charge). Such shipments move for the account of and at the risk of the Government, and become Government property upon Government acceptance at origin. The contractor shall show the transportation and transit charges as a separate amount on the invoice for each individual transited shipment. The amount reimbursed by the Government shall not exceed the amount quoted in the bid (offer and used for evaluation). Each such invoice shall be supported by the carrier's receipt indicating that total freight charges have been or will be paid by the contractor. When supplies are of such nature, or it is the custom of the trade that bidders may have potential transit credits available, the provision in § 2.201(b) (26) of this chapter, "Transportation Transit Privilege Credits," shall be included in the solicitation.

#### § 19.207 Mode of transportation.

Generally, solicitations shall not specify a particular method or mode of transportation or a particular carrier for delivery of supplies. When special types of transportation equipment or limited facilities for delivery and receipt of supplies at destination permit the use of only one mode of transportation, such special delivery requirements may, after referral to the appropriate transportation office, be the basis for:

(a) Controlling the method or mode of transportation by specifying only f.o.b. origin as the place of delivery, or

(b) Specifying the special delivery requirements in f.o.b. destination procurements (see § 19.211).

#### § 19.208 Solicitation provisions covering F.O.B. point.

##### § 19.208-1 General.

(a) Solicitations in which bids or offers may be submitted both f.o.b. origin or f.o.b. destination in accordance with § 19.104-2(b), shall include so much of the information contained in §§ 19.208-2, 19.208-3, and 19.211 as is pertinent to the particular procurement. They shall provide that bids or proposals may be submitted on either or both bases and they will be evaluated on the basis of the lowest overall cost to the Government.

(b) The provision in § 2.201(b) (29) shall be included in the solicitation when the supplies are to be purchased in accordance with § 19.213-1 for ultimate delivery to known destinations outside the United States, and it has been determined that other ports, in addition to a primary port, can be used.

**§ 19.208-2 F.O.B. origin.**

(a) Whenever the supplies will or may be delivered f.o.b. origin, the clause in § 7.104-70 of this chapter shall be included in the solicitation. Generally, solicitations for supplies which will or may be purchased f.o.b. origin shall provide for delivery in carload or truckload lots (see § 19.209) f.o.b. carrier's equipment, wharf, or freight station (as specified by the Government), at a city or shipping point to be specified by the bidder or offeror. This will enable the military traffic management offices, when issuing routing instructions, to select the mode of transportation which will provide the required service at the lowest overall cost. When f.o.b. origin bids (offers) only are desired, the solicitation shall specify that any bids (offers) submitted on any other basis shall be rejected as nonresponsive.

(b) Solicitations which include the clause in § 7.104-70 of this chapter may include the substance of the provision in § 2.201(b)(27) of this chapter when it is believed that a prospective contractor is likely to include in his f.o.b. origin price a contingency to compensate for what may be for him an unfavorable routing condition which the Government has the option to specify at the time of shipment. Such routing condition (e.g., delivery to rail car, wharf, etc.) due to the location of the prospective contractor's plant, lack of rail siding, etc., impose on him a substantial expense above his "at plant" or "commercial shipping point" price. Accordingly, the provision in § 2.201(b)(27) is intended to permit prospective contractors to state in bids or offers a reimbursable differential which represents their cost of bringing the supplies to any f.o.b. origin place of delivery specified at the time of shipment by the Government. The provision is appropriate if:

(1) The loading nature of the supplies, such as wheeled vehicles, and/or the different methods of shipment specified by the Government; i.e., towaway, drive-away, trilevel vehicle, rail car, etc., may increase the contractor's cost in varying amounts for bringing the supplies to, or loading and bracing the supplies at, the specified place of delivery;

(2) The contractor's f.o.b. origin shipping point is a port city served by U.S. inland, coastwise, or intercoastal water transportation, and additional costs would be incurred by the contractor to make delivery f.o.b. a wharf in such city to accommodate water routing specified by the Government; or

(3) The contractor's plant does not have a private rail siding and to ship by Government specified rail routing, the contractor would be required to deliver the supplies to a public siding or freight terminal, and to load, brace, and install dunnage in rail cars.

(c) Land methods of transportation by regulated common carrier are the normal means of transportation used by the Government between points in the continental United States. Accordingly, the provision in § 2.201(b)(28) of this

chapter shall be included in f.o.b. origin solicitation to establish the means the Government will use in applying transportation costs for evaluation. However, when it is appropriate to use other methods of transportation in evaluating bids or proposals, e.g., air, pipeline, or barge and ocean tanker for bulk commodities, the provision may be modified accordingly.

**§ 19.208-3 F.O.B. destination.**

(a) When the supplies will or may be purchased f.o.b. destination (see § 19.104-2(d)), the clause in § 7.104-71 of this chapter shall be included in the solicitation. When only f.o.b. destination bids or proposals are desired, the solicitation shall specify that bids or offers submitted on a basis other than f.o.b. destination will be rejected as nonresponsive. When the supplies will or may be purchased f.o.b. destination and inspection and acceptance will be at origin, the solicitation shall also include the clause in § 7.104-76 of this chapter.

(b) When procurement is on an f.o.b. destination basis, special care shall be taken to observe the requirements of § 14.305-3 of this chapter as to place of inspection; also see §§ 14.306 and 14.307 of this chapter as to place of acceptance.

**§ 19.208-4 Destination unknown.**

(a) When the exact destination of the supplies to be purchased is not known, but the general location of the expected users can be reasonably established, the purchase request shall designate a place or places as the tentative point(s) to which transportation costs will be computed, stating estimated quantities for each tentative destination. The solicitation shall provide that bids or proposals shall be submitted f.o.b. origin only (see § 19.104-2(c)(1)(ii)) and that shipment shall be made on Government bills of lading. The clause contained in § 7.104-70 of this chapter and the provisions of § 2.201(b)(30) and (31) of this chapter shall be included to:

(1) Establish that destinations are tentative and only for the purpose of evaluating bids or proposals;

(2) Establish that bids (offers) will be solicited on basis of f.o.b. origin only; and

(3) Control subsequent shipping weights.

(b) When the purchasing office and the requiring activity determine that it is impracticable to estimate any tentative or general delivery points for the purpose of evaluating transportation costs, proposals shall be solicited f.o.b. origin only (see § 19.104-2(c)(1)(ii)) and evaluation will be made without regard for transportation cost. The contract file shall be documented with the justification for such solicitation and this section shall be cited. The clauses in §§ 7.104-70 and 7.104-72 of this chapter shall be included in the solicitation.

**§ 19.209 Required shipping weights.**

Solicitations which may result in f.o.b. origin contracts shall include the provisions in § 2.201(b)(31) of this chapter.

This will provide agreement as to appropriate freight costs for evaluation of bids or proposals, and assure that contractors produce economical shipments of agreed size (see § 19.208-2(a)).

**§ 19.210 Guaranteed shipping weights and dimensions.**

The provision in § 2.201(b)(12) of this chapter shall be included in the solicitation when allowance is provided for optional packing and packaging methods and each bidder's (offeror's) shipping weights (or dimensions) will be a factor in determining transportation costs for evaluation purposes. The provision may be modified to accommodate the shipping data applicable to the nature of the supplies.

**§ 19.211 Transportation responsibilities of contractors.**

(a) The clause in § 7.104-73 of this chapter shall be included in solicitations for supplies which may be shipped in carload lots by rail. The clause specifies that carload shipments shall be loaded, braced, and blocked by the contractor in accordance with standards published by the Association of American Railroads.

(b) If the nature of the supplies or safety, environmental, or transportability factors require special methods for securing the supplies on the carrier's equipment, or only a special mode of transportation or type vehicle is appropriate (see § 19.103), the solicitation shall set forth such detailed methods.

**§ 19.212 Shipping point(s) used in evaluation of F.O.B. origin bids.**

The provision in § 2.201(b)(32) of this chapter shall be included in solicitations which may result in f.o.b. origin contracts to assure application of appropriate freight costs in evaluating bids or proposals. This provision should be supported by an additional provision as part of the solicitation, to require prospective contractors to specify the location of their actual shipping point(s) (street address, city, State, and zip code) from which supplies will be delivered to the Government in accordance with the contract's f.o.b. origin terms. To assure appropriate rail routing for shipments from or to the contractor's shipping point, each prospective contractor shall also be required to specify whether his shipping point has a private railroad siding and the name of the rail carrier serving it. When the shipping point does not have a private siding, the name and address of the nearest public rail siding and carrier serving it shall be specified.

**§ 19.213 Shipments to ports.**

**§ 19.213-1 Solicitation provisions.**

(a) When supplies are for known destinations outside the continental United States, the continental U.S. port of loading or point of exit (aerial or water) which serves the overseas destination shall be listed in the solicitation for transportation evaluation purposes.

(b) When a contract will not generate any shipment for which an Export Release is required (less than 10,000 lbs.,

etc.; see paragraph 202024 of the Military Traffic Management Regulation (AR 55-355, NAVSUP Pub 444, MCO 4600.14, DSAR 4500.3), hereafter referred to as MTMR), only the continental U.S. ports which serve the overseas destination shall be listed in the solicitation (see DoD Regulation 4500.32-R).

(c) Except for contracts to which paragraph (b) of this section applies, other continental U.S. ports which meet the eligibility criteria compatible with the nature and quantity of the supplies, their destination, type of carrier required, and specified overseas delivery dates also may be listed in the solicitation for evaluation purposes (see MTMTS Pamphlet 55-1, "CONUS Port Lift Capability Guide," Oct 1, 1965). This will permit bidders or offerors, who are geographically remote from the port which normally serves the overseas destination, to be competitive as far as transportation costs are concerned. Ports of loading to be included in the solicitation may be determined through coordination with the headquarters of the Military Traffic Management and Terminal Service (MTMTS) serving the area in which the purchasing office is located.

(d) Unless logistics requirements limit the ports of loading to those ports listed in the solicitation, the solicitation shall provide that the bidder or offeror may nominate additional ports (including ports in Alaska and Hawaii) more favorably located to his shipping point, and that these ports shall be considered in the evaluation of bids or proposals: *Provided, however,* That these ports must possess all requisite capabilities of the listed ports in relation to the supplies being procured. Under these circumstances, the provision under § 2.201(b) (29) of this chapter shall be included in the solicitation. When a solicitation provides for bids or offers on the basis of f.o.b. origin only, as described in clause paragraph A of § 2.201 (b) (29), clause paragraph C and the last sentence of clause paragraph E shall be deleted.

(e) The award shall specify the U.S. port(s) of loading which afford the lowest overall cost to the overseas destination.

#### § 19.213-2 Export Releases and Military Standard Transportation and Movement Procedures (MILSTAMP) Documentation.

An Export Release must be obtained for certain categories of supplies to be transshipped via a water port of loading to overseas destinations (see § 19.213-1 and § 16.822 of this chapter). Additionally, for all shipments consigned to either air or water terminal transshipment points, a transportation control movement document (TCMD) must be dispatched to the port or terminal in accordance with MILSTAMP procedures. MILSTAMP procedures are designed to be compatible with Export Release procedures for controlling the movement of cargo via water and air terminals. To assure control of export traffic, the clause in § 7.104-74 of this

chapter shall be inserted in the solicitation to specify the contractor's responsibilities for making shipment to ports.

#### § 19.214 Place of delivery for shipments originating outside the United States.

It is the policy of the Department of Defense, in furtherance of the Cargo Preference Act (46 U.S.C. 1241), to encourage and foster the American Merchant Marine. When transportation of supplies by ocean vessel will be required (see Subpart M, Part 1 of this chapter) and in the absence of specific instructions from the requiring activity, the place of delivery for shipments originating outside the United States shall be based on the known availability of U.S. flag vessels between the points involved.

#### § 19.215 Diversions affecting F.O.B. destination transportation costs.

To provide the measure for adjustment of shipping costs if the contracting officer directs a change in the place of delivery of f.o.b. destination contracts, the solicitation shall include the clause in § 7.104-75 of this chapter.

#### § 19.216 Scheduling of deliveries to permit consolidation of shipments.

The accumulation of small shipments into carload or truckload lots will result in lower transportation costs. Also, the accumulation of small shipments into less than load shipments may result in lower transportation costs. Upon review of the purchase request and in conjunction with the requiring or requisitioning activity, consideration shall be given to revising delivery schedules to provide for deliveries in larger quantities. When feasible, delivery schedules for supplies to be delivered to multiple destinations should be consolidated and the stopoff (in transit) privilege permitted under carrier's tariffs used for partial unloading at one or more points directly en route between the point of origin and the last destination.

### Subpart C—Evaluation of Bids and Proposals

#### § 19.301 Transportation rates and related costs to be used.

##### § 19.301-1 General.

(a) To afford proper analysis and consideration of transportation factors, the contracting officer shall consider transportation rates and related costs in the evaluation of f.o.b. origin bids and proposals. The best available transportation rates and related costs in effect or to become effective prior to the expected date of initial shipment and on file or published at the date of the bid opening, shall be used in the evaluation. However, when transportation rates and related costs which cover the traffic are filed or published after the bid opening or proposal due date and there were no applicable rates or costs in existence on that date, these rates and costs shall be so identified by the regional headquarters of Military Traffic Management and Terminal Service or the Military Sea Transportation Service (see § 19.301-2) and

shall be used in the evaluation (see § 16.821 of this chapter).

(b) When Government property is to be furnished and shipped by the Government under a contract to a point specified by the prospective supplier in his bid or proposal, transportation costs shall be a cost factor in the evaluation of bids, or proposals.

#### § 19.301-2 Sources of transportation rates and related costs.

(a) Land and air rates; inland, coastwise, and intercoastal water rates; ocean rates and costs; port handling charges; and related information pertaining to supplies moving to or from either overseas points or points within the continental United States shall be obtained from the appropriate regional headquarters of Military Traffic Management and Terminal Service by the transportation or traffic management office which supports the contracting officer. However, rates and costs applicable to shipments of bulk petroleum via ocean tanker transportation should be obtained direct from the Military Sea Transportation Service.

(b) Rates and related costs for all supplies to be shipped between points outside of the continental United States, including Alaska and Hawaii, shall be obtained from the Headquarters of the Military Department which sponsors the cargo.

(c) Requests for rates and related costs for the evaluation of bids or proposals shall include the bid opening or proposal due date and the expected date of initial shipment, if established.

(d) The locations and geographical areas of jurisdiction of each regional headquarters of the Military Traffic Management and Terminal Service are listed in Chapter 108 of the Military Traffic Management Regulation.

### Subpart D—Contract Administration

#### § 19.401 Traffic Management for contract administration.

The transportation office of the contract administration office shall have access to or be furnished a copy of the contract, including modifications thereto. When the transportation data regarding f.o.b. origin contracts are insufficient for Government transportation purposes (see § 19.202), the contract administration office shall obtain the data used in the evaluation of the bid or proposal from the purchasing office. This will assure that instructions to contractors result in the most efficient and economical use of carrier services and equipment. Transportation personnel are responsible for:

(a) Furnishing timely routings and releases for port shipments;

(b) Monitoring shipments to provide for carload or truckload quantities when practicable;

(c) Controlling and issuing Government bills of lading and determining proper freight classification descriptions;

(d) Reviewing documentation to assure the proper distribution and validation of shipping documents;

(e) Advising as to the effect proposed changes will have on transportation costs;

(f) Determining, for the contract requirements, the size and capabilities of carrier's equipment to be ordered, based on the need for special shipping arrangements for oversize and overweight or dangerous supplies;

(g) Developing information for reporting movements that may be the basis for negotiating special rates or for rate adjustments (see § 19.402);

(h) Exercising control of irregularities in packing, loading, loss and damage causes, sealing of vehicles, and documentation of weights;

(i) Providing information on use of transit arrangements;

(j) Recommending prepayment, when appropriate, by contractor for f.o.b. origin shipments or parcel post (see §§ 19.403-2 and 19.403-3);

(k) Diverting, reassigning, tracing, and expediting shipments;

(l) Functioning to control new shipping situations or meet emergency requirements which arise during contract administration; and

(m) Considering the capabilities of the contractors for performing the foregoing and utilizing these capabilities when appropriate.

**§ 19.402 Volume movements within the continental United States.**

(a) Volume movement means the aggregate of one or more freight shipments to move during the contract period, amounting to or exceeding 10 carloads, 10 truckloads, or 200,000 pounds, from one point of origin for delivery to one destination point or area.

(b) As soon as production schedules and planned destinations have been established after award, contracting officers shall refer a copy of any contract which will generate volume movements to the transportation office serving the purchasing office. The transportation office shall review such contracts and report planned volume movement in accordance with the Military Traffic Management Regulation (AR 55-355, NAV SUP Pub 444, AFM 75-2, MCO 4600.14, DSAR 4500.3).

(c) Reporting of volume movements will permit a determination of the reasonableness of applicable current rates, and when appropriate, negotiation of adjusted or modified rates, in accordance with the above regulation. Government traffic frequently possesses more favorable transportation characteristics (greater volume, heavier loading, less likelihood of damage, etc.) than commercial traffic. These favorable characteristics provide the basis for special adjustments of rates for Government traffic under provisions of section 22 of the Interstate Commerce Act (49 U.S.C. 22).

**§ 19.403 Shipping documents covering F.O.B. origin shipments.**

**§ 19.403-1 Government bills of lading.**

Except as provided in § 19.403-2, when a contract provides that supplies be delivered f.o.b. origin, with transportation

costs to be paid by the Government, shipments shall be made on Government bills of lading furnished to the contractor by the contract administration office. The contracting officer shall not authorize the contractor to ship on a commercial bill of lading for conversion to a Government bill of lading unless delivery is extremely urgent and Government bills of lading are not readily available (see §§ 16.822 and 16.823 of this chapter).

**§ 19.403-2 Use of prepaid commercial bills of lading.**

(a) When economical or otherwise justified, the contracting officer or his representative may authorize the contractor to make the following f.o.b. origin freight or express shipments (if they have no security classification) at Government expense on prepaid commercial bills of lading to domestic destinations, including U.S. military air terminals and water terminals:

(1) Shipments not exceeding 150 pounds by any form of commercial air transportation (because of restrictions imposed by air carriers, a package weighing more than 100 pounds or measuring more than 44 x 24 x 30 inches should not be tendered to a commercial air carrier unless it is known that it will be accepted);

(2) Shipments not exceeding 250 pounds by railway express or bus express (because of restrictions imposed by bus express carriers, a package weighing more than 100 pounds or measuring more than 45 x 24 x 24 inches should not be tendered to the bus express carrier unless it is known that it will be accepted);

(3) Shipments not exceeding 1,000 pounds by other common carriers; or

(4) Shipments by common carriers, other than specified in subparagraphs (1) and (2) of this paragraph, which can be consolidated with the contractor's own prepaid shipments for delivery to one or more destinations: *Provided*, That all appropriate f.o.b. origin shipments, under one or more Government contracts, have been consolidated initially. The contractor may be authorized to consolidate less-load Government shipments with his own shipments to take advantage of lower carload or truckload freight costs, and the Government shall assume its pro rata share of the combined shipment cost. Overall transportation costs shall be evaluated prior to authorizing any movement to assure that savings will be realized by the Government consistent with with other contract and traffic management considerations. When consolidation is authorized, a copy of the commercial bill of lading will be mailed promptly to the consignee(s).

(b) A contract modification is not required when shipment is made under a prepaid commercial bill of lading as authorized in paragraph (a) of this section. Unless otherwise provided in the contract, the supplies will move for the account and at the risk of the Government, and will become Government property when loaded on the carrier's equipment and the contractor has obtained the carrier's receipt. The contractor pays the transportation charges and is re-

imbursed by the Government. Loss or damage claims shall be processed in accordance with directives of the Department concerned.

(c) Unless otherwise provided by the contract, when the contractor is authorized to ship on a prepaid commercial bill of lading in lieu of a Government bill of lading, he must agree to show the prepaid transportation charges, or apportioned charges as agreed (see paragraph (a)(4) of this section), as a separate item on the invoice for each individual shipment of supplies. The invoice must include a notation that prepaid freight, express, or commercial air, as applicable, was authorized. The invoice must be supported with a copy of the commercial bill of lading which shall be marked or stamped "To be prepaid" or "Paid" and signed by the carrier's agent in the space for carrier's acceptance of the shipment. In the absence of the carrier's signature evidencing payment, the commercial bill of lading shall bear a notation by the contractor of his check number and the date paid.

**§ 19.403-3 Shipments by parcel post or other classes of mail.**

(a) Use of parcel post or other classes of mail permits direct movement from the source of supply to the user, without the intermediate documentation that is required when supplies are transported through depots or air or water terminals. However, the use of parcel post and other classes of mail shall be confined to deliveries of mailable matter which meets the size, weight, and distance limitations prescribed by the Post Office Department. Contractors shall not divide delivery quantities into mailable parcels for the express purpose of avoiding shipments by other modes of transportation.

(b) When parcels are to be mailed under "Postage and Fees Paid" indicia, the contractor shall be provided with official mailing labels printed "Postage and Fees Paid." Labels furnished to contractors must bear in every case the typed, printed, or handstamped return address of the military activity of the Department or Agency concerned over the printed words, "Official Business." The name and address of a private person or firm shall not be shown.

(c) The contractor shall use his own labels and postage when he is not furnished official mailing labels. When reimbursement for postage is to be made, the contractor shall agree to show the postage charge as a separate item on the invoice for the supplies shipped. The invoice must be supported by a statement of mailing, prepaid by the contractor and signed by a postal employee, for each individual shipment.

(d) When the contractor uses his own labels for making shipments to post offices serving military consignees outside the United States, the parcels shall be stamped or printed with the name of the Military Department, i.e., "(Army, Navy, Air Force, or DSA), Official Mail—Contents for Official Use—Exempt from Customs Requirements" in 1/4-inch block letters immediately above the label, to permit identification and to expedite

handling within the postal system. Use of this marking does not eliminate the requirement for payment of postage by the contractor when so required by the contract or when he is to be reimbursed for the cost of postage.

(e) Shipments may not be insured at Government expense for the purpose of recovery in case of loss or damage, except that minimum insurance required for the purposes of obtaining receipts at point of origin and upon delivery is authorized.

#### § 19.404 Routing, tracing, and expediting shipments.

Routing of military freight consists of determining a mode of transportation and the carrier which will effect safe and timely delivery of supplies at the lowest overall cost. Tracing is the procedure used for locating unduly delayed shipments. Expediting is the procedure used when a shipment is urgently needed at destination or when congestion is likely to occur on the lines of the carriers over which the shipment is to move. Methods for tracing or expediting shipments are outlined in Chapter 220, Military Traffic Management Regulation.

#### § 19.405 Demurrage and detention charges.

(a) Demurrage is a fixed charge made by rail carriers on cars held by, or for, a consignor or consignee for loading, unloading, or for any other purpose. A contractor who detains cars for these reasons is required to pay the carrier's published tariff charges for demurrage. Generally, carrier demurrage rules allow a definite period called "free time" for loading or unloading cars or for any other purpose, and impose a definite per day per car charge for cars held beyond this period. The free time allowed is usually 48 hours for loading or unloading cars and 24 hours when cars are held for reconsignment, diversion, reshipment, or held in transit on orders of the shipper or consignee. Normally, the free time starts from the first 7 a.m. (excluding Saturdays, Sundays, and holidays) after placement of the car.

(b) Detention is the term used when motor carrier equipment is held by, or on behalf of, a shipper or consignee beyond a reasonable period allowed for loading, unloading, forwarding directions, or for any other purpose. Motor carrier detention rules and charges are not uniform and are published in individual carrier or agency tariffs. Detention charges are usually based on an hourly rate.

(c) Procedures involving payment or collection of demurrage or detention charges are contained in paragraph 219010 of the Military Traffic Management Regulation.

#### § 19.406 Discrepancies incident to shipment of supplies.

(a) Discrepancies incident to shipment include overage, shortage, loss and damage, improper markings, and consignment deficiencies (see Reporting of Transportation Discrepancies in Shipments—AR 55-38, NAVSUP Pub 459,

AFM 75-34, MCO P4610.19, DSAR 4500.15). Improper markings or consignment deficiencies may result in misdirected shipments or additional handling or stowing of shipments, or affect identification of contents which necessitates opening of containers.

(b) Generally, when the place of delivery is f.o.b. origin, the Government consignee at destination is also the accountable office for the supplies, and all claims or reports dealing with discrepancies are initiated at that point in accordance with the property accountability regulations of the Department concerned. The administrative procedures required in Chapter 221 of the Military Traffic Management Regulation govern the actions to be taken with respect to discrepancies caused by carriers.

(c) When supplies are procured on an f.o.b. destination basis, any claim arising from a discrepancy occurring in transit is a matter for settlement between the contractor and the carrier. However, the Government consignee shall notify the carrier of the discrepancy by noting the exception on the carrier's receipt and shall furnish all available data to the contract administration office which shall promptly transmit the data to the contractor.

#### § 19.407 Report of shipment (REP SHIP).

Military storage and distribution points, depots, and other receiving activities require advance notice of shipments en route from contractor's plants. Generally, such notice is required only for minimum carload or truckload shipments. The notification facilitates arrangements for transportation control, labor, space, and use of materials handling equipment at destination. Also timely receipt of notices by the consignee transportation office precludes the incurring of demurrage and vehicle detention charges. To assure discharge by the contractor of his responsibilities related to these requirements, the substance of the clause in § 7.105-4 of this chapter shall be included in all appropriate solicitations.

### PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATIONS

20. In § 30.6, items H-202.4, H-202.6, H-203(a), and H-301 are revised; in item H-302.2, the note following "Block B" is revised; item H-303.2(d) is revised; The last entry in item H-303.3(b) is revised; and items H-402, H-403, H-404.1, H-604.3 (d) and (e), H-606.2(c), H-607.2 (a), H-607.3 (a) and (b), H-610, and H-612 are revised as follows:

#### § 30.6 Appendix H—Manual for Military Standard Requisitioning and Issue Procedure (MILSTRIP) for Defense Contractors.

H-202.4 *Messages*. Messages may be used for transmitting requisitions, followups, and cancellations. Set forth below is a sample of a message containing multirequisitions.

#### SAMPLE MESSAGE FORMAT

(Insert Addressee)

(Insert Message Number)

MILSTRIP REQUISITIONS:

1. A0A/FMZ/6/59501234567/EA/00040/EY9185/7049/6001/N/\*BLNK/D/\*BLNK/\*BLNK/\*BLNK/07/\*BLNK/2B
2. A0A/FMZ/F/59502345678/EA/00021/EY9185/7049/6002/O/\*BLNK/D/\*BLNK/\*BLNK/\*BLNK/07/\*BLNK/\*BLNK
3. A0E/FMZ/6/12343456789/EA/00015/EY9185/7049/6003/N/\*BLNK/D/\*BLNK/\*BLNK/\*BLNK/07/\*BLNK/2B  
Remarks: Mfg Part Number referenced on Page 121 of Technical Instruction No. 45.
4. A0A/FMZ/W/59505671234/EA/00022/EY9185/7049/6004/N/\*BLNK/D/\*BLNK/\*BLNK/\*BLNK/07/\*BLNK/2B

For explanatory purposes, the first requisition (item 1) is segmented and explained.

First Line: A0A/ (Document Identifier), FMZ/ (Routing Identifier), 6/ (Media and Status), 5950/1234567/ (Stock or Part Number), EA/ (Unit of Issue), 00040/ (Quantity), EY9185/ (Requisitioner), 7049/ (Julian Date), 6001/ (Serial Number).

Second Line: N/ (Demand Code), \*BLNK/ (Supplementary Address), D/ (Signal), \*BLNK/ (Fund Code), \*BLNK/ (Distribution Code), \*BLNK/ (Project), 07/ (Priority), \*BLNK/ (Required Delivery Date), 2B/ (Advice Code).

H-202.6 *Multise Standard Requisitioning/Issue System Document (Standard Form 344)*. Standard Form 344 is a multiline item paper document designed to accommodate a maximum of fifteen single line items on one sheet. The form may be used as a requisition by Defense contractors for requisitioning Government-furnished material when such use is approved by the Military Service.

(a) The Standard Form 344 is a multiple part, paper document, measuring 10½ inches by 8 inches. The form may be prepared manually by pen or typewriter. The form consists of two parts which reflect document identification data and requisition data. The document identification data serves to identify a single document and is applicable to each line item being requisitioned. The requisition data are the data applicable to the specific item being requisitioned. No deviations or modifications are authorized in the size, format, or use of the SF 344 than as prescribed in this Manual.

(b) The block alignment of SF 344 is compatible with the numeric block alignments of DD Forms 1348 and 1348m.

(c) The data entries of SF 344 are the same as prescribed for requisitions submitted on DD Forms 1348 and 1348m. The signature block is not required to be completed on contractor requisitions submitted on Department of Defense supply sources. Block 23 (Remarks) is provided for entry of data necessary to assist in supply decisions and which cannot be accommodated by the prescribed MILSTRIP codes.

(d) Each item contained on SF 344 will be processed separately as a single line without regard to other items contained on the document. In this respect, subsequent transactions, such as status, cancellations, followups, etc., will be accomplished on a single line item basis by use of the DD Form 1348 or 1348m or message.

(e) When the form is used to requisition items not identified by stock or part numbers, the item descriptions may be written across an entire line or lines under requisition data, without regard to columnar headings. Such data as the quantity, serial number, supplementary address, signal and advice codes will be entered directly below the item descriptions in appropriate blocks. When more

(1) Insuring that the contract number appears on the documentation accompanying the shipment, i.e., on the DD Form 1348-1, or  
 (ii) Furnishing the contractor "supply directive memoranda" cross referencing the requisition document number to the applicable contract number.  
 H-403 *Exceptions in preparation.* Release/Receipt Document (DD Form 1348-1)

resulting from Materiel Release Orders prepared by DSA activities will perpetuate requisition submission time in columns 21 and 22 of the document.  
 H-404.1 *Minimum data entries.* The minimum data entries shown on the DD Form 1348-1 shall be as follows:

Columns	Item	Identification or Source of Data
1-3	Document identifier	Identifies the source document used to prepare DD Form 1348-1.
4-6	Routing identifier	The routing identifier of the shipping activity.
7	Media and status code	The code originally assigned to the requisition document.
8-22	Stock or part number	The stock or part number of the item shipped. (See H-403.)
23-24	Unit of issue	The unit of issue of the stock or part number being shipped.
25-29	Quantity	The quantity being shipped.
30-43	Document number	The document number originally assigned to the requisition.
44	Subit	Blank, if the document represents shipment of the total quantity requisitioned; otherwise an appropriate character is assigned to indicate a partial quantity shipped.
45-50	Supplementary address	The code as shown on the original requisition.
51	Signal	
52-53	Fund code	
54-56	Distribution	
57-59	Project code	
60-61	Priority code	
62-64	Required delivery date	The Julian day calendar date assigned to the original requisition or other source (document number code (if any) appearing in columns 67-69 of the source document. It identifies the activity being released of the materiel).
67-69	Routing identifier code	The routing identifier code (if any) appearing in columns 67-69 of the source document. It identifies the activity being released of the materiel.
70-73	Management codes	Distribution system or agency codes as prescribed by the contracting Military Department or agency. (See H-61b.)
74-80	Unit price	The unit price of the item being released.

H-604.3 *Entries.* \* \* \* \* \*  
 (d) Entries in block 12 or columns 40 through 43 may be numeric or alphabetic characters to indicate the serial number of the document and may be assigned at the discretion of the document originator. The serial number shall not be duplicated on the same day. The use of alphabetic characters can serve to provide for block assignment by Service/Agency designated activities. The use of alpha characters in columns 41 through 43 will be limited to Intra-Service/Agency requisitions. Alpha characters may be entered in Column 40 on both intra- and inter-Service/Agency requisitions. The following alphabetic codes have been reserved for use in column 40 as indicated:

Code	Explanation
J	To identify Interservice Supply Support Procedures (ISSP) requisitions resulting from interrogation and other procedures.
K	To identify ISSP requisitions and follow-on documents resulting from Defense Logistics Services Center (DLSC) mechanized screening procedures.

(1) Military force activities, or  
 (ii) Programs which have been given approval for top national priority.  
 H-301 *General.* Depending on the mechanized capabilities of the contractor, the means of transmitting the request, and the urgency of need, the requisition may be prepared as a manual requisition on a DD Form 1348 or Standard Form 344, a prepunched requisition on a DD Form 1348m, or as a message-type or telephonic request. Requisitions may be prepared by either the contractor or the Procuring Activity, as specified in the contract.  
 H-302.2 *Use of DD Form 1348 as a requisition.* When used as a requisition, DD Form 1348 shall be prepared as follows:

than one delivery date is applicable to a single item, block 21 will be left blank and delivery dates reflected on the line(s) directly beneath the desired items.  
 (f) The form may be completed in as many copies as required. However, only the original copy will be submitted to supply sources as a requisition.  
 H-203 *Issue priority designators on requisitions for government-furnished materiel.*  
 (a) The contracting Military Department shall assign appropriate Force/Activity Designators and authorize contractors to assign Priority Designators in accordance with DoD Instruction 4410.6 (Uniform Materiel Movement and Issue Priority System) when contractor activities are operated in direct support of:

Item	Explanation and Instructions
Block B—Requisition is from	Enter "in the clear" contractor's name and activity address code furnished by the Military Department, and address of the contractor.

NOTE: Block C and heavy black-bordered blocks D through K and columns 67 through 71 and 73 through 80 in block 23 shall be left blank.

H-303.3 *Use of DD Form 1348m as a followup.* \* \* \* \* \*  
 (d) When used as a followup and when no status has been received from the supply source, the following entries shall be punched in the DD Form 1348m:

Card Columns	Data	Explanation and Instructions
1-3	Document identifier	Enter the code AF1 or AF2, as applicable to a followup.
4-66	All other fields of data	Duplicate entries from the original requisition.
67-71	Blank	Leave blank.
72	Management code	Enter management code from original requisition; otherwise leave blank.
73-80	Other fields of data	Leave blank.

H-303.3 *Use of DD Form 1348m as a cancellation.* \* \* \* \* \*  
 (b) Preparation of the DD Form 1348m for use as a cancellation shall be as follows:

Card columns	Field/Legend	Explanation and Instructions
45-80	All other fields	The data in the requisition (columns 45-66 and 72) or supply status card (columns 45-80) shall be included in the cancellation.
H-402	Responsibilities.	On Military Department originated requisitions for Government-furnished materiel, it is the responsibility of the originating Military Department to insure that the contractor is furnished a cross reference between the requisition document and the contract number. The requisition will be treated as a supply directive and the originating Military Department will provide the contractor the required cross reference by:

Code	Explanation
M-----	(Reserved for future assignment.)
N-----	To identify ISSP requisitions for conventional ammunition and follow-on documents resulting from DLSC mechanized screening procedures. Code N will be entered in Card Column 40 of requisition documents prepared for materiel requirements for conventional ammunition upon receipt of offer notification from DLSC. Code N will be perpetuated in all follow-on documents resulting from the requisition processing transactions.
O-----	Not to be used.
P-----	Industrial Plant Equipment requisition coded P in Card Column 40 denotes that the requisitioner intends to purchase the item if it is not supplied from IPE assets. This demand, if the item is supplied from IPE assets, denotes hard savings under the Cost Reduction subgroup area, "Reutilization of Idle Production Equipment."
Q-----	Industrial Procurement Equipment requisition coded Q in Card Column 40 denotes that the requisitioner does not intend to purchase the item if it is not available from IPE assets. This demand, if the item is supplied from IPE assets, denotes a Cost Avoidance under the Cost Reduction subgroup area, "Reutilization of Idle Production Equipment."
R through U.	(Reserved. For future assignment.)
Y-----	To identify Marine Corps ownership of materiel applicable to Contractor Inventory Utilization Group (CIUG) Procedures.

Numerics 0001 through 0999 are reserved for use in block 12 or columns 40 through 43 by the Air Force when a Not Ready Supply (NORS) condition exists. Alphabetic character G in card column 40 is reserved for use by Army, Navy and Marine Corps when a NORS condition exists. The reservation of numerics 0001 through 0999 applies only to Air Force NORS requisitions and in no way restricts other Service use of these serial numbers in requisitions.

(e) *Air Force transactions only.* (1) For requisitions in support of Air Force contracts and for turn-in of GFM, the contractor's activity address code (EY number or EZ number) as published in section 3 of the DoD Activity Address Directory shall be entered in columns 30 through 35 (blocks 9 and 10-manual) of the requisition or columns 30 through 35 of the turn-in document.

(ii) An EZ number shall be used when the materiel requisitioned or being turned in is applicable to a maintenance-type contract such as repair, overhaul, modification and IRAN. An EY number shall be used when the materiel requisitioned or being turned in is applicable to any other type contract such as production or research and development.

(iii) The office assigned contract administration shall request Headquarters, Air Force Logistics Command (MCTM) to assign EY and EZ station activity address codes when required. Requests should indicate the specific code or codes desired.

H-606.2 *Air Force entries in fund code (Block 17—Manual) (Columns 52 and 53—Mechanical).* \* \* \*

(c) Air Force inventory managers, when passing requisitions for centrally funded items to Defense Supply Centers, other Departments, and the General Services Administration shall enter a two-digit fund code in which the first position (column 52) shall always be the appropriate alphabetic character, as listed below, identifying the depot obligating the funds and to effect payment. (Used with signal codes C and L in column 51.)

Code	Activity
A-----	Acctg Disb Sta Nr 595600, ASD (ASCFA), Wright-Patterson AFB, Ohio 45433.
B-----	Acctg Disb Sta Nr 669800, AFFTC (FTBCC), Edwards Air Force Base, Calif. 93523.
C-----	Acctg Disb Sta Nr 678100, ESD (ESCFA), L. C. Hanscom Field, Mass. 01731.
D-----	Acctg Disb Sta Nr 503900, RADC (EMLCD), Griffiss AFB, N.Y. 13440.
E-----	Acctg Disb Sta Nr 662400, AFETR (ETBCA), Patrick AFB, Fla. 32925.
F-----	Acctg Disb Sta Nr 503200, Sacramento Air Materiel Area, McClellan AFB, Calif. 95652.
G-----	Acctg Disb Sta Nr 504400, Ogden Air Materiel Area, Hill AFB, Utah 84401.
H-----	Acctg Disb Sta Nr 503100, Oklahoma City Air Materiel Area, Tinker AFB, Okla. 73145.
J-----	Acctg Disb Sta Nr 674800, AFMDC (MDECA), Holloman AFB, N. Mex. 88330.

K-----	Acctg Disb Sta Nr 503600, SAMSO, Norton, AFB, Calif. 92409. <sup>1</sup>
L-----	Acctg Disb Sta Nr 503300, Warner Robins Air Materiel Area, Robins AFB, Ga. 31093.
M-----	Acctg Disb Sta Nr 503400, Mobile Air Materiel Area, Brookley AFB, Ala. 36615.
N-----	Acctg Disb Sta Nr 503000, Headquarters Air Force Logistics Command, Wright-Patterson AFB, Ohio 45433.
P-----	Acctg Disb Sta Nr 504300, San Antonio Air Materiel Area, Kelly AFB, Tex. 78241.
R-----	Acctg Disb Sta Nr 662300, AFSWC (SWBCA), Kirtland AFB, N. Mex. 87117.
S-----	Acctg Disb Sta Nr 667300, AEDC (AEBCA), Arnold AFB, Tenn. 37389.
T-----	Acctg Disb Sta Nr 594100, AFWTR (WTSCA), Vandenberg AFB, Calif. 93437.
U-----	Acctg Disb Sta Nr 528500, AMD (AMSCA), Brooks AFB, Tex. 78235.
V-----	Acctg Disb Sta Nr 527900, APGC (PGBCA), Eglin AFB, Fla. 32542.
W-----	Acctg Disb Sta Nr 599000, Headquarters Air Force Systems Command (SCCA), Andrews AFB, Md. 20331.
Y-----	Acctg Disb Sta Nr 594200, SAMSO, AF Unit Post Office, Los Angeles, Calif. 90045.

<sup>1</sup> Mail and messages pertaining to Re-Entry System or Minuteman only.

H-607.2 *Advice codes—numeric/alphabetic (from requisitioner to initial processing point)—(a) General codes.*

Columns

65 66

2 A	Item is not locally obtainable through manufacture, fabrication, or procurement.
2 B	Requested item only will suffice. Do not substitute.
2 C	Do not back-order. Reject unfilled quantity not available for delivery by indicated delivery date. FILL or KILL.
2 D	Furnish exact quantity requested (i.e., do not adjust to unit pack quantity).
2 J	Do not substitute or back-order. FILL or KILL.
12 L	Quantity reflected in quantity field exceeds normal demands; however, this is a confirmed valid requirement.

<sup>1</sup> Requisitioners desiring to advise the supply source that the quantity requested exceeds the requisitioner's normal demand, will enter Advice Code 2L in block 22 or columns 65 and 66 of requisitions.

H-607.3 *Status codes—alphabetic/alphabetic and alphabetic/numeric (from processing point to authorized activity)—(a) Supply status.* Supply status (except "rejection" status, code C) predicts shipment on time as specified by the priority delivery date or the

required delivery date unless specific supply status is received advising of an anticipated delay or an estimated availability date. Latest status can be determined by "transaction dates" entered in columns 71 through 73. Supply status codes are as follows:

Columns

65 66

B A	Item being processed for release and shipment.
B B	Item back-ordered. The estimated date of release is entered in columns 62 through 64.
B C	Item on original requisition containing this document number has been back-ordered. Long delay is anticipated and estimated availability date is in columns 62-64. Item in stock number field (or "Remarks" field if stock number field cannot accommodate the item number) can be furnished as a substitute. The price for the substitute item is in columns 74-80. If desired, submit cancellation of original requisition and requisition the offered substitute.
B D	Item delayed. Supply action being continued. The estimated date of release is entered in columns 62 through 64.
B F	No record of your requisition. Deobligate funds and if still required, submit requisition using new document number.
B G	Stock number changed or stock number now assigned to part number submitted. Examine also unit of issue and quantity field for possible changes. Adjust all records accordingly.
B H	Substitute/interchangeable item being supplied. See substitute/interchanged stock or part number in stock number field. Examine unit of issue and quantity fields for possible changes. Adjust records if applicable.
B J	Unit of issue and/or quantity changed. Adjust all records accordingly.

H-610 Mode of shipment codes.

Code	Description
A	Motor, truckload.
B	Motor, less truckload.
C	Van (unpacked, uncrated personal and/or Government property), truckaway, tow-away.
D	Driveaway, truckaway, tow-away.
E	Busline.
F	Military Airlift Command (MAC)
G	Surface, parcel post.
H	Air, parcel post.
I	Government truck, including common service.
J	REA express.
K	Rail, carload.
L	Rail, less carload.
M	Freight forwarder.
N	Contract air (LOGAIRE/QUICK-TRANS).
O	Organic military air.
P	Through bill of lading.
Q	Air freight.
R	Air express.
S	Air charter.
T	Air freight forwarder.
U	Air van.
V	Sea-van service.
W	Water, river, lake, coastal (commercial).
X	SEA-lift Express Service (SEA-EX).
Y	Intratheater airlift system.
Z	MSTS (controlled/contract/arranged space).
2	Government Watercraft, Barge/Lighter.
3	Roll on/Roll off service.
4	Armed Forces Courier Service (ARFCOS).
5	United Parcel Service.
6	Military Ordinary Mail (MOM).
7	Weapons System Pouch Service.
8	Reserved.
9	Local delivery, including deliveries to POEs from adjacent supply activities.

H-612 Shipment Status Card Entries. The shipment status card is the document by which specific shipping information is furnished in reply to a followup. Entries are as follows:

Field/Legend	Column	Explanation of Entries
Document identifier	1-3	The code applicable to the shipment status card to include the coded recipient as indicated in the followup card. See H-602.
Routing identifier	4-5	The appropriate code of the activity furnishing the status.
Mode and status	6	The code as shown on the followup card.
Stock or part number	8-22	The stock or part number of the item supplied.
Unit of issue	23-29	The unit issue for the item supplied.
Quantity	30-33	The quantity of the item as shown on the requisition.
Document number	34-43	The supply code. When the requisitioned quantity is divided into separate supply actions, when the requisitioned quantity is not divided, this field shall be left blank.
Supplementary address	45-50	The coded address as shown on the requisition.
Hold code	51	Type of hold code, when applicable. Left blank in response to followup when shipment has not occurred.
Fund code	52-53	The code shown on the original requisition.
Distribution	54-56	The code as shown on the requisition.
Estimated shipment date or date shipped	57-59	The date delivered to carrier. When used in response to a followup and shipment has not occurred, will contain estimated shipment date.
Priority	60-61	The code shown on the requisition.
Transportation Control Number (TCN) or Other Shipment Unit Number (Service Assignment Code of the requisitioner will be omitted when the TCN is used)	62-76	The TCN for oversea shipments and unregistered parcel post shipments; the consignee, letter B and GBL number for CONUS shipments; the consignor, letter R and registration number on registered parcel post. Left blank in response to followup when shipment has not occurred.
Mode of shipment	77	The appropriate code identifying the mode of shipment (See H-610).
Date available for shipment or date of embarkation (POE)	78-80	CONUS: Date available for shipment. Overseas: POE except on Parcel Post. Left blank on Parcel Post and in response to a followup when shipment has not occurred.

[Rev. 29, ASPR, June 28, 1968] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

For the Adjutant General.  
 HAROLD SHARON,  
 Chief, Legislative and Precedent Branch, Office of the Comptroller,  
 TAGO. [F.R. Doc. 68-12532; Filed, Oct. 16, 1968; 8:45 a.m.]

Columns	65	66
B	K	Requisition erroneously addressed and has been rerouted. Forwarded subsequent followups to activity indicated in columns 67 through 69.
B	L	Followup forwarded to activity indicated in columns 67 through 69 who will furnish status. Forward subsequent followups to last known source.
B	M	Requisition referred to activity indicated in columns 67 through 69.
B	N	Requisition being processed as free issue. Signal and fund code fields corrected as noted. Adjust local fund obligation records.
B	Q	Canceled. Results from receipt of cancellation request from requisitioner, consignee, manager, or other authorized activity.
B	T	Requisition in process of technical edit and identification. Additional status will be furnished upon completion of the review and item identification.
B	V	Item being procured for direct shipment to consignee. The estimated date of release of material for shipment to consignee. The estimated date of release of material for shipment is entered in columns 62 through 64.

(b) Rejection codes. All interservice rejections shall contain "C" in column 65 followed by an alphabetic or numeric character in column 66 which shall furnish the appropriate "reason for rejection". Items rejected, if still required, shall be rerequisitioned using new document numbers. To preclude similar rejection, the requisitioner shall consider the reason for the previous rejection and correct or adequately elaborate on the new requisition. Rejection codes are as follows:

Columns	65	66
C	A	Rejected. (1) Explanation for rejection is stated in the Remarks field (continued on reverse side of card as necessary). In this case, the status card will be mailed, not transacted. This code will not be used when other status codes have been established to convey a specific condition. (2) When due to security reasons, or space limitation, explanation for rejection will be furnished by separate media referring to pertinent document numbers. In this case, the Remarks block will be left blank and CA status cards may be transacted.
C	B	Rejected. Initial requisition requested rejection of that quantity not available for immediate release.
C	F	Quantity field indicates quantity not being filled.
C	Q	Rejected. This requisition is an exact duplicate of a previously received requisition presently in process.
C	H	Rejected. Unable to identify requested item. Rerequisition and furnish correct Federal Stock Number or part number (including reference to appropriate publication or drawing), or end-item application.
C	I	Rejected. Requisition submitted to incorrect single-manager/inventory manager/technical service/distribution depot/or GSA. Research for correct source and submit new requisition.
C	J	Rejected. Item coded or being coded) "obsolete" in latest stock lists/catalogs and not available for issue.
C	K	Rejected. Item not available. Returned for supply by local issue of next higher assembly, component kit, or submit requisition for next higher assembly.
C	L	Rejected. Item not available. Requisition component parts if practicable.
C	M	Rejected. Fund obligation not cited. Furnish new requisition and fund code.
C	N	Rejected. Source of supply is local manufacturer or fabrication.
C	P	Rejected. Source of supply is local procurement from customer (or command) funds.
C	Q	Rejected. Item requested is command or Department regulated or controlled. Requisition through appropriate channels.
C	S	Rejected. Quantity requisitioned is suspect of error or indicates excessive quantity. Partial quantity being supplied. Quantity field in this transaction reflects quantity rejected. If requirement still exists, submit a new requisition for the required quantity using Advice Code 2L.
C	T	Rejected. Make, model, series, serial number, and/or end item usage or publication reference as applicable, is necessary in order to determine item required. Submit new requisition (by mail or message if necessary) and furnish required information.
C	U	Rejected. Item requested is procured only in a repair kit. Requisition appropriate kit.
C	W	Rejected. Item not available. Local procurement is authorized for this requisition only. If item cannot be locally procured, resubmit new requisition using Advice Code 2A.
C	X	Rejected. Unable to identify the "bill to" address designated by the signal code.

Chapter VII—Department of the  
Air Force

MISCELLANEOUS AMENDMENTS TO  
SUBCHAPTERS

Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER E—SECURITY

PART 850—SAFEGUARDING CLASSIFIED INFORMATION

1. In § 850.11, paragraph (b) is revised by amending note immediately following this paragraph, as follows:

§ 850.11 Destruction of classified material.

(b) \* \* \*

NOTE: Commanders should assure that their destruction facilities will completely destroy classified voluminous documents, otherwise the material must be torn or mutilated as part of the destruction procedures.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 205-1, Jan. 2, 1968, and Change 1, dated July 15, 1968]

SUBCHAPTER I—MILITARY PERSONNEL

PART 888—ENLISTMENT IN THE  
REGULAR AIR FORCE

2. Section 888.8 is amended by revising the fourth entry on chart to read as follows:

§ 888.8 Grade determination.

NONPRIOR SERVICE ENLISTEES

If applicant—	Then grade Authorized is—
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Has satisfactorily completed the entire Junior ROTC program, is a high school graduate, and presents official certificate of completion issued by the Armed Force conducting the program.

(Sec. 8012, 70A Stat. 488; U.S.C. 8012, except as otherwise noted) [AFM 33-3, Nov. 9, 1966, and Change 6, Aug. 6, 1968]

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, Jr.,  
Colonel, U.S. Air Force, Chief,  
Special Activities Group,  
Office of The Judge Advocate  
General.

[F.R. Doc. 68-12575; Filed, Oct. 16, 1968;  
8:45 a.m.]

SUBCHAPTER I—MILITARY PERSONNEL

PART 887—ISSUING CERTIFICATES  
IN LIEU OF LOST OR DESTROYED  
SEPARATION CERTIFICATES

Part 887 is revised to read as follows:

Sec.

887.1 Purpose.

887.2 Definitions.

887.3 Persons eligible for a CIL.

Sec.

887.4 Issuance of military data.

887.5 Application of forms required.

887.6 Who will issue CILs and where to apply.

887.7 Certificates issued.

887.8 Supplying photocopies of pertinent documents.

AUTHORITY: The provisions of this Part 887 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; DoD Instruction 1332.13, Oct. 13, 1967.

SOURCE: AFR 35-96, Dec. 29, 1967.

§ 887.1 Purpose.

This part tells who may apply for certificates in lieu of lost or destroyed certificates of discharge, and where and how to apply for them.

§ 887.2 Definitions.

(a) *Certificate in Lieu (CIL)*. A certificate issued in lieu of a lost or destroyed certificate of service or discharge.

(b) *Service person*. One who is serving as a member of the Air Force or who formerly served in the active military service as a member of the Air Force and was completely separated after September 25, 1947.

(c) *Widow or widower*. A survivor who was legally married to a service person at the time of the person's death and has not remarried.

§ 887.3 Persons eligible for a CIL.

Only the following persons may apply for a CIL:

(a) A service person separated under honorable conditions.

(b) Widows or widowers.

(c) Guardians (the judicially appointed committee or guardian of a service person adjudicated mentally incompetent), provided a duly certified or otherwise authenticated copy of the court order of appointment is submitted with the application.

§ 887.4 Issuance of military data.

A service person separated under conditions other than honorable, who applies for the replacement of separation documents, is issued:

(a) An official photocopy of the pertinent report of separation, if available, or

(b) A brief official statement of military service, on letterhead stationery of the issuing records custodian.

NOTE: A charge of \$2.50 is imposed for this service.

§ 887.5 Application forms required.

(a) Applicants described in § 887.3 (b), (c) and § 887.4, must use DD Form 1108, "Application for Replacement of Separation Documents," or any similar form used by agencies outside the Department of Defense.

(b) A service person separated under honorable conditions should use DD Form 1108. A letter request will be honored, however, provided the applicant supplies sufficient identifying data and satisfactory proof that the original certificate of service or discharge has been lost or destroyed. Otherwise, the applicant may be required to complete DD

Form 1108. Airmen on active duty will forward requests through their unit commander.

§ 887.6 Who will issue CILs and where to apply.

(a) USAFMPC (AFPMDRF), Randolph AFB TX 78148 for:

(1) Officers and airmen on extended active duty or in a temporary disability retired status.

(2) General officers in a retired (pay) status.

(b) NPREC (MPR-AF), 9700 Page Blvd, St. Louis MO 63132, for officers and airmen:

(1) In a retired (pay) status.

(2) Completely separated from the Air Force or Air National Guard.

(c) ARPC, 3800 York St, Denver CO 80205, for Air Force Reserve officers and airmen:

(1) Not on extended active duty.

(2) In a retired (nonpay) status.

(d) National Guard Bureau (NG-AFPM), Wash DC 20310, for Air National Guard officers not on extended active duty, who may or may not have had prior service as airmen.

(e) Adjutants General of the States, District of Columbia, or The Commonwealth of Puerto Rico, for active or inactive Air National Guard airmen.

§ 887.7 Certificates issued.

(a) Persons indicated in § 887.3 only are supplied CILs prepared on one of the following forms, as appropriate:

(1) AF Form 386, "Certificate in Lieu of Lost or Destroyed Discharge (AUS)," used to replace any lost or destroyed discharge certificates issued to the service person upon discharge from the Army.

(2) DD Form 303AF, "Certificate in Lieu of Lost or Destroyed Discharge," issued to replace any lost or destroyed discharge certificates issued to the service person upon discharge from the Air Force.

(3) AF Form 681, "Certificate in Lieu of Lost or Destroyed Certificate of Service (AUS)," issued to replace any lost or destroyed certificates of service, reports of separation, or subsequent like forms, issued to the service person upon relief from extended active duty in the Army.

(4) AF Form 682, "Certificate in Lieu of Lost or Destroyed Certificate of Service (USAF)," used to replace any lost or destroyed certificates of service, reports of separation, or like forms, issued to a service person upon relief from extended active duty in the Air Force.

(5) DD Form 363AF, "Certificate of Retirement," used to replace any lost or destroyed certificate of retirement issued to a service person upon retirement from the Air Force.

§ 887.8 Supplying photocopies of pertinent documents.

This regulation does not prohibit authorities from supplying photocopies of certificates of service, reports of separation, or similar documents, when pertinent.

By order of the Secretary of the Air Force.

ALEXANDER J. PALENSCAR, JR.,  
Colonel, U.S. Air Force, Chief,  
Special Activities Group,  
Office of The Judge Advocate  
General.

[P.R. Doc. 68-12576; Filed, Oct. 16, 1968;  
8:45 a.m.]

**Title 7—AGRICULTURE**

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

**PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN**

**Appendix—Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1969**

Pursuant to section 13 of the National School Lunch Act, as amended, food assistance and nonfood assistance funds available for the fiscal year ending June 30, 1969, are apportioned among the States as follows:

State	Total apportionment
Alabama	\$182,686
Alaska	53,208
Arizona	75,217
Arkansas	131,860
California	190,904
Colorado	73,026
Connecticut	64,370
Delaware	55,016
District of Columbia	60,785
Florida	148,776
Georgia	194,724
Hawaii	56,571
Idaho	59,212
Illinois	149,966
Indiana	101,513
Iowa	96,454
Kansas	78,259
Kentucky	156,605
Louisiana	168,921
Maine	64,549
Maryland	87,939
Massachusetts	84,385
Michigan	133,172
Minnesota	100,841
Mississippi	179,089
Missouri	128,822
Montana	59,668
Nebraska	74,334
Nevada	52,178
New Hampshire	54,794
New Jersey	91,031
New Mexico	74,322
New York	195,143
North Carolina	234,668
North Dakota	65,295
Ohio	150,435
Oklahoma	103,293
Oregon	66,246
Pennsylvania	174,341
Rhode Island	58,592
South Carolina	162,781
South Dakota	68,263
Tennessee	177,241
Texas	299,910
Utah	58,410
Vermont	55,905
Virginia	153,752
Washington	74,242
West Virginia	107,325
Wisconsin	92,203
Wyoming	53,758

State	Total apportionment
Guam	\$2,619
Puerto Rico	106,364
Virgin Islands	1,213
Samoa, American	1,022
Trust Territory	3,782
Total	5,750,000

(Sec. 3, 82 Stat. 117; 42 U.S.C. 1761)

Dated: October 14, 1968.

RODNEY E. LEONARD,  
Administrator.

[P.R. Doc. 68-12650; Filed, Oct. 16, 1968;  
8:51 a.m.]

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

**SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS**

**PART 722—COTTON**

**Subpart—1969 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas**

The provisions of §§ 722.462 to 722.465 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1969 crop of upland cotton (referred to as "cotton"). The purpose of these provisions is to proclaim a national marketing quota and national acreage allotment for the 1969 crop of cotton, together with the amount of the national reserve and apportionment of the national allotment and national reserve to States. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to the national marketing quota, national acreage allotment and national reserve for cotton of the 1969 crop was published in the FEDERAL REGISTER on September 25, 1968 (38 F.R. 14414) in accordance with the provisions of 5 U.S.C. 553. No written submissions were received in response to such notice.

It is essential that these provisions be made effective as soon as possible in order to establish the quota not later than October 15, 1968, under section 342 of the act and to permit State and county ASC committees to complete the necessary work so that farm allotment notices may be issued as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 722.462 to 722.465 shall be effective upon filing this document with the Director, Office of the Federal Register.

**§ 722.462 National marketing quota for the 1969 crop of cotton.**

(a) *Finding of total supply.* As defined in section 301(b)(16)(C) of the act, the "total supply" of cotton for the market-

ing year beginning August 1, 1968 (in terms of running bales or the equivalent), consists of the sum of (1) "carryover" of cotton on August 1, 1968, (2) estimated production of cotton in the United States during 1968, and (3) estimated imports of cotton into the United States during the marketing year beginning August 1, 1968. The following finding of total supply is hereby made by the Secretary:

(i) Total supply of cotton for the marketing year beginning August 1, 1968, in running bales or equivalent:

	Bales
(a) Carryover	6,267,000
(b) Estimated production	10,975,000
(c) Estimated imports	50,000

Total supply-----17,292,000

(b) *Finding of normal supply.* As defined in section 301(b)(10)(C) of the act, the "normal supply" of cotton for the marketing year beginning August 1, 1968 (in terms of running bales or equivalent), consists of the sum of (1) estimated domestic consumption of cotton for the marketing year beginning August 1, 1968, (2) estimated exports of cotton during the marketing year beginning August 1, 1968, and (3) 30 percent of the sum of such estimated domestic consumption and estimated exports as an allowance for carryover. The following finding of normal supply is hereby made by the Secretary:

(i) Normal supply of cotton for the marketing year beginning August 1, 1968, in running bales or equivalent:

	Bales
(a) Estimated domestic consumption	8,700,000
(b) Estimated exports	3,300,000
(c) 30 percent allowance for carryover	3,600,000

Normal supply-----15,600,000

(c) *Proclamation of national marketing quota.* It is hereby determined and proclaimed by the Secretary that the total supply of cotton for the marketing year beginning August 1, 1968, will exceed the normal supply of cotton for such marketing year. Therefore, a national marketing quota shall be in effect for the crop of cotton produced in the calendar year 1969.

(d) *Proclamation of amount of national marketing quota in bales.* Section 342 of the act provides that the amount of the national marketing quota for the 1969 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be the largest of the following:

(1) The number of bales of cotton adequate, together with (i) the estimated carryover at the beginning of the 1969-70 marketing year, and (ii) the estimated imports during the 1969-70 marketing year, to make available a normal supply of cotton.

(2) The number of bales of cotton equal to the estimated domestic consumption and estimated exports (less estimated imports) for the 1969-70 marketing year, except that the Secretary shall make such adjustments in the amount of such quota as he determines necessary after taking into consideration the estimated stocks of cotton in the

United States (including the qualities of such stocks) and stocks in foreign countries which would be available for the 1969-70 marketing year, if no adjustment of such quota is made hereunder, to assure the maintenance of adequate but not excessive stocks in the United States to provide a continuous and stable supply of the different qualities of cotton needed in the United States and in foreign cotton consuming countries and for purposes of national security; but the Secretary, in making such adjustments, may not reduce the national marketing quota below one million bales less than the estimated domestic consumption and estimated exports for the 1969-70 marketing year.

(3) Ten million bales of cotton.

(4) The number of bales of cotton required to provide a national allotment of 16 million acres for the 1969 crop of cotton.

It is hereby determined and proclaimed that the national marketing quota for the 1969 crop of cotton (in terms of standard bales of 500 pounds gross weight) shall be 15,133,333 bales based on a minimum national allotment of 16 million acres under subparagraph (4) of this paragraph calculated by multiplying the minimum national allotment by the national average yield of 454 pounds per planted acre of cotton for the four calendar years, 1964, 1965, 1966, and 1967, and dividing the result by 480 pounds (net weight of a standard bale). This determination is based on the following data:

Determinations for purpose of:

- (i) Section 722.462(d) (1)<sup>1</sup>..... 11,558,000  
 (ii) Section 722.462(d) (4)<sup>1</sup>..... 15,133,333  
 (iii) Section 722.462(d) (2)<sup>1</sup>..... 12,950,000

Based on:

- (iv) Estimated domestic consumption, 1968-69<sup>2</sup>..... 8,700,000  
 (v) Estimated domestic consumption, 1969-70<sup>2</sup>..... 9,000,000  
 (vi) Estimated exports, 1968-69<sup>2</sup>..... 3,300,000  
 (vii) Estimated exports, 1969-70<sup>2</sup>..... 4,000,000  
 (viii) Estimated imports, 1968-69<sup>2</sup>..... 50,000  
 (ix) Estimated imports, 1969-70<sup>2</sup>..... 50,000  
 (x) Adjustment for stocks..... None

<sup>1</sup> Standard bales.

<sup>2</sup> Running bales.

<sup>3</sup> Equivalent running bales.

#### § 722.463 National acreage allotment for the 1969 crop of cotton.

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of cotton produced in the calendar year 1969. The amount of such national allotment is 16 million acres calculated as set forth in § 722.462.

#### § 722.464 National reserve for the 1969 crop of cotton.

It is hereby determined that a national reserve of 200,000 acres for the 1969 crop of cotton is required under section 344(b) of the act, which is in addition to the national allotment. The amount of the national reserve is based upon the estimated

needs of the States for additional acreage for establishing minimum farm allotments under section 344(f) (1) of the act except that 1,000 acres shall be apportioned to Nevada as required by section 344(b) of the act.

#### § 722.465 Apportionment of national allotment and national reserve to the States.

The national allotment of 16 million acres and the national reserve of 200,000 acres are apportioned to the States in accordance with section 344(b) of the act as follows:

State	State's share of national allotment	State's share of national reserve	Total allotment available for States
	<i>Acres</i>	<i>Acres</i>	<i>Acres</i>
Alabama.....	942,957	28,394	971,351
Arizona.....	332,102	557	332,659
Arkansas.....	1,326,685	5,020	1,331,705
California.....	739,048	2,037	741,085
Florida.....	31,331	3,212	34,543
Georgia.....	810,898	22,259	833,157
Illinois.....	2,969	21	2,990
Kansas.....	13	2	15
Kentucky.....	6,855	249	7,104
Louisiana.....	557,163	9,170	566,333
Mississippi.....	1,528,624	21,260	1,549,884
Missouri.....	356,961	1,774	358,735
Nevada.....	2,533	1,000	3,533
New Mexico.....	172,110	572	172,682
North Carolina.....	435,350	22,903	458,253
Oklahoma.....	743,910	10,356	754,266
South Carolina.....	684,651	18,018	682,669
Tennessee.....	531,229	15,578	546,807
Texas.....	6,799,062	36,042	6,835,104
Virginia.....	15,519	1,576	17,095
United States.....	16,000,000	200,000	16,200,000

(Secs. 301, 342, 344, 375, 52 Stat. 38, as amended; 63 Stat. 670, as amended; 52 Stat. 66, as amended; 7 U.S.C. 1301, 1342, 1344, 1375)

**Effective date.** Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 14, 1968.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 68-12642; Filed, Oct. 14, 1968; 3:47 p.m.]

### PART 722—COTTON

#### Subpart—1969 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

The provisions of §§ 722.551 to 722.553 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1969 crop of extra long staple cotton (referred to as "ELS cotton"). The purpose of these provisions is to proclaim a national marketing quota and national acreage allotment for the 1969 crop of ELS cotton and apportionment of the national acreage allotment to States. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to the national marketing quota and na-

tional acreage allotment for ELS cotton of the 1969 crop was published in the FEDERAL REGISTER on September 25, 1968 (33 F.R. 14414), in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice.

It is essential that these provisions be made effective as soon as possible in order to establish the quota not later than October 15, 1968, under section 347(b) of the act and to permit the State and county ASC committees to complete the necessary work so that farm allotment notices may be issued as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 722.551 to 722.553 shall be effective upon filing this document with the Director, Office of the Federal Register.

#### § 722.551 National marketing quota for the 1969 crop of ELS cotton.

(a) **Statutory requirements.** Section 347(b) of the act was amended effective with the 1969 crop by Public Law 90-475, 82 Stat. 701, approved August 11, 1968, to read as follows:

(b) (1) The Secretary shall, not later than October 15 of each calendar year, proclaim the amount of the national marketing quota for the crop of cotton described in subsection (a) produced in the next succeeding calendar year in terms of the quantity of such cotton equal to the estimated domestic consumption plus exports for the marketing year which begins in such succeeding calendar year, less the estimated imports, plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks: *Provided*, That the Secretary may reduce the national marketing quota so determined for any crop for the purpose of reducing surplus stocks, but not below the minimum quota prescribed under paragraph (2) of this subsection.

(2) The national marketing quota for any crop shall not be less than the amount of the import quota in effect on August 1, 1967, for the year beginning on such date for extra long staple cotton (1½ inches or more) in pounds converted to standard bales of 500 pounds gross weight, established pursuant to section 22 of the Agricultural Adjustment Act (of 1933), as amended.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, the national marketing quota shall be the minimum quota under paragraph (2) of this subsection for each crop of such cotton for which the Secretary estimates that the carryover of American grown extra long staple cotton at the beginning of the marketing year for the crop for which the quota is proclaimed (excluding any such cotton in the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) will be more than 50 per centum of the estimated domestic consumption and exports of American grown extra long staple cotton for such marketing year: *Provided*, That the foregoing provisions of this sentence shall not apply for any crop for which the carryover so estimated is an amount equal to 50 per centum or less of the estimated domestic consumption and exports of American grown extra long staple cotton for the

marketing year for such crop, and such provisions shall not apply to any crop following the first crop for which this proviso comes into operation.

(4) The provisions of paragraph (1), (2), and (3) of this subsection shall apply to the 1969 and each succeeding crop of cotton described in subsection (a) of this section.

(b) *Carryover and disappearance.* The determinations in this paragraph are made in accordance with section 347(b) (3) of the act. It is hereby determined that the estimated carryover of American grown ELS cotton on August 1, 1969, excluding any such cotton in the stockpile established under the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98), will be 114,000 running bales. It is hereby determined that the estimated domestic consumption and exports of American grown ELS cotton for the marketing year beginning August 1, 1969, will be 115,000 running bales. The estimated carryover so determined is more than 50 per centum of the estimated disappearance so determined. Accordingly, the national marketing quota for the 1969 crop of ELS cotton shall be the minimum quota prescribed under section 347(b) (2) of the act.

(c) *Minimum quota.* The minimum quota prescribed under section 347(b) (2) of the act is the amount of the import quota for the year beginning August 1, 1967, for ELS cotton having a staple length of 1 3/8 inches or more, established under section 22 of the Agricultural Adjustment Act (of 1933), as amended (7 U.S.C. 624). Such import quota is 39,590,778 pounds. (Proclamation 3251 issued by the President on July 7, 1958; 3 CFR, 1954-1958 Comp., p. 161). Such import quota in pounds is converted to standard bales of 500 pounds gross weight by dividing 39,590,778 pounds by 480 pounds (net weight of a standard bale). Accordingly, the minimum quota under section 347(b) (2) of the act is hereby determined to be 82,481 standard bales (rounded from 82,480.78).

(d) *Proclamation of quota.* The national marketing quota for the 1969 crop of ELS cotton is hereby determined and proclaimed to be 82,481 standard bales.

**§ 722.552 National acreage allotment for the 1969 crop of ELS cotton.**

It is hereby determined and proclaimed that a national acreage allotment shall be in effect for the crop of ELS cotton produced in the calendar year 1969. The amount of such national allotment is 79,660 acres calculated by multiplying the national quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield of 497 pounds per planted acre of ELS cotton for the 4 calendar years 1964, 1965, 1966, and 1967.

**§ 722.553 Apportionment of national allotment to the States.**

The national allotment of 79,660 acres is apportioned to the States in accordance with section 344(b) of the act as follows:

State	State allotment (acres)
Arizona	34,597
California	533
Florida	184
Georgia	110
New Mexico	16,137
Texas	28,088
Puerto Rico	11
United States	79,660

(Secs. 301, 344, 347, 52 Stat. 38, as amended, 63 Stat. 670, as amended, 63 Stat. 675, as amended; 7 U.S.C. 1301, 1344, 1347)

*Effective date.* Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 14, 1968.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 68-12641; Filed, Oct. 14, 1968; 3:47 p.m.]

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

[Milk Order No. 33]

**PART 1033—MILK IN THE GREATER CINCINNATI MARKETING AREA**

**Order Amending Order**

**§ 1033.0 Findings and determinations.**

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Cincinnati marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective on the date of publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The decision of the Under Secretary containing all amendment provisions of this order, was issued October 9, 1968. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective on the date of publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559.)

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

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

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

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

**ORDER RELATIVE TO HANDLING**

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

In § 1033.51, the introductory text of paragraph (a) is revised to read as follows:

**§ 1033.51 Class prices.**

(a) Class I milk. The price for Class I milk shall be the basic formula price for the preceding month plus \$1.30, plus 20 cents through April 1969, and plus or minus a "supply-demand adjustment" of not more than 39 cents computed pursuant to subparagraphs (1) and (2) of this paragraph:

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

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1968.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 68-12659; Filed, Oct. 16, 1968; 8:51 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER C—EXPORT PROGRAMS

#### PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

##### Correction

In F.R. Doc. 68-12290 appearing at page 15052 in the issue of Wednesday, October 9, 1968, the following changes should be made.

1. Add the following sentence to be the last line of the introductory paragraph: "This republication of Part 1488 contains minor changes and editorial corrections but does not include any substantive changes."

2. In the 10th line of § 1488.2(u) the letters "c.i.f." should read "c.&f."

3. The 17th line of § 1488.5 should read "cover funds from the foreign bank due to a".

4. In Supplement II, the section number in the eighth line of E. should read "§ 1488.3" instead of "§ 14488.3".

5. In the 11th line of the Appendix to Exhibit II, preceding the word "body" insert the word "serious".

## Title 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

#### PART 217—PAYMENT OF INTEREST ON DEPOSITS

##### Time Deposits of Foreign Monetary Authorities

1. Effective October 15, 1968, § 217.3 (a) is amended and § 217.3(g) is added to read as follows:

§ 217.3 Maximum rate of interest on time and savings deposits.

(a) Maximum rate prescribed from time to time. Except in accordance with the provisions of this part, no member bank shall pay interest on any time deposit or savings deposit in any manner,

directly or indirectly, or by any method, practice, or device whatsoever. Except as provided in paragraph (g) of this section, no member bank shall pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Governors of the Federal Reserve System shall prescribe from time to time; and any rate or rates which may be so prescribed by the Board will be set forth in supplements to this part, which will be issued in advance of the date upon which such rate or rates become effective.

(g) Time deposits of foreign monetary authorities. The provisions of paragraph (a) of this section do not apply to the rate of interest that may be paid by member banks on a time deposit, having a maturity of not more than 2 years, made and owned by a foreign government, a monetary or financial authority of a foreign government when acting as such, or an international financial institution of which the United States is a member. All certificates of deposit issued by member banks to such organizations, on which the contract rate of interest exceeds the applicable maximum under § 217.6, shall provide (1) that, in the event of transfer, the date of transfer, attested to in writing by the transferor, shall appear on the certificate, and (2) that the maximum rate limitations of § 217.6 in effect at the date of issuance of the certificate apply to the certificate for any period during which it is held by a person other than such an organization. Upon presentment of such a certificate for payment, the bank may pay to the holder the contract rate of interest on the deposit for the time that the certificate was actually owned by such an organization.

##### § 217.127 [Revoked]

2. Section 217.127 is revoked.

3a. The purposes of these amendments are: (1) To clarify the authority of member banks to pay any rate of interest on time deposits of foreign monetary authorities, with maturities of not more than 2 years, and (2) to modify an earlier position of the Board with respect to the payment of interest on such deposits where ownership therein is transferred by the so-called "exempt" organization to a nonexempt holder. Formerly, a member bank was prohibited from paying interest at a rate exceeding the applicable maximum permissible rate under § 217.6 (the supplement to Regulation Q) at the date of issue if the certificate of deposit issued to an exempt organization was transferred to a nonexempt holder at any time before maturity. Under the new § 217.3(g), the bank may pay the contract rate on a certificate issued to an exempt organization throughout the time it is held by such an organization even though the holder at maturity is not an exempt organization, if the bank and the exempt organization (or organizations) fulfill two conditions designed to establish proof of ownership of the exempt organization for the period of time the member bank pro-

poses to pay interest at the contract rate. These conditions are: (1) The bank must include in the certificate provisions stating that (a) in the event of transfer, the date of transfer, attested to in writing by the transferor, shall appear on the certificate and (b) the provisions of § 217.3(a) of Federal Reserve Regulation Q apply to the certificate during any time that it is held by a holder other than a foreign government, a monetary or financial authority of a foreign government when acting as such, or an international financial institution of which the United States is a member; and (2) the exempt organization must comply with the requirement relating to the notation of the date of transfer. Any certificate presented for payment without such evidence of transfer will be subject to the rules applicable to a certificate originally issued to a nonexempt organization. Certificates issued before October 15, 1968, may be amended to include the provisions referred to in new section 217.3(g) and the issuing member bank may pay interest in accordance with section 217.3(g) if, in the event of any transfer thereof, the exempt organization to which it was issued complies with the requirement relating to the notation of the date.

b. The requirements of section 553(b), title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments. In most respects, they are procedural in nature. To the extent that they involve a substantive change, the effect is to relax the restrictions of an earlier interpretation in a manner that should encourage foreign monetary authorities to deposit funds in American commercial banks. In these circumstances, the Board has found that such requirements are unnecessary and contrary to the public interest.

Dated at Washington, D.C., this 7th day of October 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,  
Assistant Secretary.

[F.R. Doc. 68-12652; Filed, Oct. 16, 1968; 8:51 a.m.]

### Chapter III—Federal Deposit Insurance Corporation

#### SUBCHAPTER B—REGULATIONS AND STATEMENT OF GENERAL POLICY

#### PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

##### Time Deposits of Foreign Monetary Authorities; Applicability of Lower State Maximum Interest Rates; Interest on Time and Savings Deposits Renewed Within 10 Days

1. Effective October 15, 1968, § 329.3 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Part 329) is amended to read as follows:

**§ 329.3 Maximum rate of interest on time and savings deposits.**

(a) *Maximum rate prescribed from time to time.* Except in accordance with the provisions of this part, no insured nonmember bank shall pay interest on any time deposit or savings deposit in any manner, directly or indirectly, or by any method, practice, or device whatsoever. Except as provided in paragraph (g) of this section, no insured nonmember bank shall pay interest on any time deposit or savings deposit at a rate in excess of such applicable maximum rate as the Board of Directors of the Federal Deposit Insurance Corporation shall prescribe from time to time; and any rate or rates which may be so prescribed by the Board will be set forth in supplements to this part (see § 329.6), which will be issued in advance of the date upon which such rate or rates become effective.

(b) *Modification of contracts to conform to regulation.* No certificate of deposit or other contract shall be renewed or extended unless it be modified to conform to the provisions of this part, and every insured nonmember bank shall take such action as may be necessary, as soon as possible consistently with its contractual obligations, to bring all of its outstanding certificates of deposit or other contracts into conformity with the provisions of this part.

(c) *Insured nonmember banks limited to maximum rate under State law.* The rate of interest paid by an insured nonmember bank upon a time deposit or a savings deposit shall not in any case exceed (1) the applicable maximum rate prescribed pursuant to the provisions of paragraph (a) of this section, or (2) the applicable maximum rate authorized to be paid upon such deposits under the laws of the State in which the insured nonmember bank is located, whichever may be less.

(d) *Grace periods in computing interest on savings deposits.* An insured nonmember bank may pay interest on a savings deposit received during the first ten (10) calendar days of any calendar month at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this part, whichever shall first occur; and an insured nonmember bank may pay interest on a savings deposit withdrawn during its last three (3) business days of any calendar month ending a regular quarterly or semiannual interest period at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated to the end of such calendar month.

(e) *Continuance of time deposit status.* A deposit which was a time deposit at the date of deposit continues to be such until maturity, although it has become payable within thirty (30) days, and interest at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section may be paid until maturity upon such deposit. A time deposit or a savings deposit, with

respect to which notice of withdrawal has been given, continues to be such until the expiration of the period of such notice, and interest may be paid upon such deposit until the expiration of the period of such notice at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section. Interest at a rate not exceeding that prescribed pursuant to the provisions of paragraph (a) of this section may be paid upon savings deposits with respect to which notice of intended withdrawal has not actually been required or given. No interest shall be paid by an insured nonmember bank on any amount which by the terms of any certificate or other contract or agreement, or otherwise, the bank may be required to pay within thirty (30) days from the date on which such amount is deposited in such bank,<sup>10</sup> except as to savings deposits with respect to which the bank consistently continues to adhere to a practice existing prior to January 23, 1936, of requiring notice of at least fifteen (15) days before permitting withdrawal.

(f) *No interest after maturity or expiration of notice; exception.* After the date of maturity of any time deposit, such deposit is a demand deposit, and no interest may be paid on such deposit for any period subsequent to such date. After the expiration of the period of notice given with respect to the repayment of any time deposit or savings deposit, such deposit is a demand deposit and no interest may be paid on such deposit for any period subsequent to the expiration of such notice, except that, if the owner of such deposit advise the bank in writing that the deposit will not be withdrawn pursuant to such notice or that the deposit will thereafter again be subject to the contract or requirements applicable to such deposit, the deposit will again constitute a time deposit or savings deposit, as the case may be, after the date upon which such advice is received by the bank. Notwithstanding the foregoing, if a time deposit is renewed, automatically or by action of the depositor, within ten (10) days after maturity, the renewed deposit or renewed portion may draw interest from the maturity date of the matured deposit; and if a time or savings deposit is renewed, automatically or by action of the depositor, within ten (10) days after expiration of the period of notice given with respect to its repayment, the renewed deposit or renewed portion may draw interest from the date such notice period expired.<sup>11</sup>

<sup>10</sup> Deposits, such as Christmas club accounts and vacation club accounts, which are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than three (3) months, constitute "time deposits, open account" even though some of the deposits are made within thirty (30) days from the end of such period.

<sup>11</sup> Where a time certificate is renewed within ten (10) days after maturity, the renewal certificate may be dated back to the maturity date of the matured certificate.

(g) *Time deposits of foreign monetary authorities.* The provisions of paragraph (a) of this section do not apply to the rate of interest that may be paid by insured nonmember banks on a time deposit, having a maturity of not more than 2 years, made and owned by a foreign government, a monetary or financial authority of a foreign government when acting as such, or an international financial institution of which the United States is a member. All certificates of deposit issued by insured nonmember banks to such organizations, on which the contract rate of interest exceeds the applicable maximum under § 329.6, shall provide (1) that, in the event of transfer, the date of transfer, attested to in writing by the transferor, shall appear on the certificate, and (2) that the maximum rate limitations of § 329.6 in effect at the date of issuance of the certificate apply to the certificate for any period during which it is held by a person other than such an organization. Upon presentation of such a certificate for payment, the bank may pay to the holder the contract rate of interest on the deposit for the time that the certificate was actually owned by such an organization.

2. Effective October 15, 1968, this Corporation's uncodified interpretation of Part 329 of its regulations, published in 27 FEDERAL REGISTER 11798 (1962), is revoked.

3a. The purposes of the amended §§ 329.3(a) and 329.3(g) are: (1) To clarify the authority of insured nonmember banks to pay any rate of interest on time deposits of foreign monetary authorities, with maturities of not more than 2 years, and (2) to modify an earlier position of the Corporation with respect to the payment of interest on such deposits where ownership therein is transferred by the so-called "exempt" organization to a nonexempt holder. Formerly, an insured nonmember bank was prohibited from paying interest at a rate exceeding the applicable maximum permissible rate under § 329.6 (the Supplement to Part 329) at the date of issue if the certificate of deposit issued to an exempt organization was transferred to a nonexempt holder at any time before maturity. Under the new § 329.3(g), the bank may pay the contract rate on a certificate issued to an exempt organization throughout the time it is held by such an organization even though the holder at maturity is not an exempt organization, if the bank and the exempt organization (or organizations) fulfill two conditions designed to notify future non-exempt holders of the rules and to establish proof of ownership of the exempt organization for the period of time the member bank proposes to pay interest at the contract rate. These conditions are: (1) The bank must include in the certificate provisions stating that (a) in the event of transfer, the date of transfer, attested to in writing by the transferor, shall appear on the certificate and (b) the provisions of § 329.3(a) of FDIC regulations apply to the certificate during any time that it is held by a holder other

than a foreign government, a monetary or financial authority of a foreign government when acting as such, or an international financial institution of which the United States is a member; and (2) the exempt organization must comply with the requirement relating to the notation of the date of transfer. Any certificate presented for payment without such evidence of transfer will be subject to the rules applicable to a certificate originally issued to a nonexempt organization. Certificates issued before October 15, 1968, may be amended to include the provisions referred to in new § 329.3(g) and the issuing bank may pay interest in accordance with § 329.3(g) if, in the event of any transfer thereof, the exempt organization to which it was issued complies with the requirement relating to the notation of the date.

b. The purpose of the new § 329.3(c) is to clarify the already existing law that insured nonmember banks are subject to State maximum interest rate laws where such rates are lower than the rates prescribed in the Corporation's interest regulations. Because of the insertion of this new paragraph, the present § 329.3 (c) and (d), and the amendment to section (e) will be renumbered as § 329.3 (d), (e), and (f), respectively.

c. The purpose of amended § 329.3(f) is to allow renewed time deposits, open account to draw interest during a 10-day optional renewal period from the maturity date of the matured deposit, on the same basis as time certificates of deposit. This removes a distinction without substance and brings the rules for insured nonmember banks into conformity with interpretive rulings of the Federal Reserve System applicable to member banks. Savings deposits renewed within 10 days are also brought within the exception. In other respects the section remains intact in prohibiting savings and time deposits from drawing interest for any period subsequent to maturity. For purposes of clarification, the exception for renewed deposits is expressly stated to be "automatically or by action of the depositor."

d. In adopting these amendments to the Corporation's rules and regulations, the Board of Directors has found that (1) for good cause shown prior publication of notice of proposed rule making in the FEDERAL REGISTER and public participation in the making of rules under the provisions of the Administrative Procedure Act (5 U.S.C. 553) and Part 302 of the Corporation's rules and regulations (12 CFR 302.1-302.7) is not required with respect to the adoption of this amendment and such publication is impracticable, unnecessary and contrary to the public interest, and (2) that a delay of not less than 30 days in the effective date of said amendment after its publication is not required by the provisions of the Administrative Procedure Act (5 U.S.C. 553) and Part 302 of the Corporation's rules and regulations (12 CFR 302.1-302.7), since the amendment imposes no substantial additional duties or burdens upon the public.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819. Interpret or apply sec. 18, 64 Stat. 891, 12 U.S.C. 1828)

FEDERAL DEPOSIT INSURANCE  
CORPORATION,  
[SEAL] E. F. DOWNEY,  
Secretary.

[F.R. Doc. 68-12625; Filed, Oct. 16, 1968;  
8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8336; Amdt. No. 25-19]

#### PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

##### Oil Tank Installation Requirements

The purpose of these amendments to Part 25 of the Federal Aviation Regulations is to permit the installation of reciprocating engines having integral oil sumps in airplanes certificated in the transport category without requiring the oil sumps to be fireproof.

These amendments are based on a notice of proposed rule making (33 F.R. 3641, Mar. 1, 1968), circulated as Notice No. 68-3, dated February 23, 1968.

The comments received in response to Notice 68-3 generally favored the proposal. However, one comment recommended that the proposal be changed to require a showing, either by demonstration or analysis, that the possibility of fire originating within or being exaggerated by the oil in the wet sump is extremely remote. According to the comment, the best indication of this would probably be the operational history of engines with integral oil sumps. In response to this comment, it should be pointed out that Notice 68-3 was issued on the basis of the satisfactory service experience with integral oil sumps on reciprocating engines used in small airplanes.

As stated in the preamble to Notice 68-3, the FAA has determined that because of the relatively small quantity of oil that can be carried in the integral sumps; the fact that the oil sump itself serves as a heat sink to assist in dissipating heat from a fire near the sump; and the fact that in reciprocating engines the direction of airflow around the engine will direct the flames away from the sump, the fireproofing of the integral oil sump is unnecessary. Since these conditions are characteristic of all reciprocating engines having integral oil sumps, there is no need to require a separate showing by each applicant for a type certificate for an aircraft equipped with such engines.

As previously indicated, the proposal was based in part on the fact that the capacities of oil sumps currently installed on reciprocating engines are relatively small. In this connection, none of

the existing reciprocating engines or reciprocating engines currently being considered for certification have integral oil sumps with capacities greater than 20 quarts. Since the FAA's determinations as to the fire protection required for integral oil sumps did not involve oil sumps having a large oil capacity, it is considered appropriate to revise the proposed regulation to make it clear that this regulation applies to reciprocating engines having an integral oil sump of less than 20-quart capacity.

Finally, it is noted that § 25.1185(a) contains powerplant fire protection requirements for tanks and reservoirs containing flammable fluid which in some respects parallel the oil tank requirements of § 25.1013(a). Therefore, in order to fully implement the proposed regulation, it is also necessary to exclude the integral oil sumps covered by this amendment from the requirements of § 25.1185(a).

Interested persons have been afforded an opportunity to participate in the making of these amendments. All relevant material submitted has been fully considered.

In consideration of the foregoing, Part 25 of the Federal Aviation Regulations is amended, effective November 16, 1968, as follows:

1. Section 25.1013(a) is amended by adding a final sentence to read as follows:

##### § 25.1013 Oil tanks.

(a) *Installation* \* \* \*. For a reciprocating engine having an integral oil sump of less than 20-quart capacity, the oil sump need not be fireproof.

2. Section 25.1185(a) is amended to read as follows:

##### § 25.1185 Flammable fluids.

(a) Except for the integral oil sumps specified in § 25.1013(a), no tank or reservoir that is a part of a system containing flammable fluids or gases may be in a designated fire zone unless the fluid contained, the design of the system, the materials used in the tank, the shut-off means, and all connections, lines, and control provide a degree of safety equal to that which would exist if the tank or reservoir were outside such a zone.

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

Issued in Washington, D.C. on October 10, 1968.

D. D. THOMAS,  
Acting Administrator.

[F.R. Doc. 68-12607; Filed, Oct. 16, 1968;  
8:47 a.m.]

[Docket No. 68-CE-14-AD; Amdt. 39-668]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Beech Models 65-90, 65-A90, 65-A90-1, 65-B90 Airplanes

The Federal Aviation Administration received reports that Beech Models 65-90,

65-A90, 65-A90-1, and 65-B90 aircraft manufactured under Type Certificate No. 3A20 had experienced engine damage and malfunction as a result of operating in icing conditions. In one instance, complete loss of power and inability to sustain further flight was experienced. As a result, the Administrator determined that an unsafe condition existed in these model aircraft and that until a modification to the design of the aircraft was approved by the Administrator, it was necessary to impose operating limitations on these aircraft. Accordingly, on May 24, 1968, the Federal Aviation Administration issued an emergency order amending Beech Type Certificate No. 3A20 to limit flight of aircraft covered by this type certificate in visible moisture above 15,000 feet when the air temperatures are within specific critical limits. The manufacturer has now modified the type design of the aircraft and reissued the airplane flight manual for the respective aircraft. These modifications consist of installing seal strips and a spring lock-down assembly on the Inertial Separator Vane, and the addition of an automatic ignition (relight) system. The airplane flight manuals have been reissued to improve procedures for in-flight restarting of engines. These modifications and revision to the airplane flight manuals, all of which have been approved by the Administrator, are described in Beechcraft Service Instructions No. 0115-010 dated October 1, 1968.

It should be pointed out that extensive investigations of aircraft equipped with these modifications have demonstrated safe and reliable operation under critical icing conditions. However, the cause for simultaneous loss of power from both engines in a King Air airplane operating in or near a cumulonimbus cloud in the vicinity of Athens, Ohio, on May 3, 1968, has not been established. The evidence seems to indicate that unusually large quantities of precipitation in the clouds may have had adverse effects on engine operation in that instance. Modified Beech Model 65-90 series airplanes have an improved capability for safe operation under conditions of extremely heavy precipitation.

Since the unsafe condition, without retrofit, is likely to exist or develop in all aircraft which have been manufactured under Type Certificate No. 3A20, an airworthiness directive is being issued, requiring these aircraft to be modified and their flight manuals to be replaced in accordance with Beechcraft Service Instructions No. 0115-010 within 1 year of the effective date of the airworthiness directive. The order amending the type certificate shall remain in effect until the airworthiness directive has been complied with on each individual aircraft. It should be noted that on September 19, 1968, the Administrator amended his emergency order to exclude from its terms Beech Models 65-90, 65-A90, and 65-B90 aircraft (Serial Nos. LJ407 and after) since these aircraft have been modified in a manner satisfactory to the Administrator.

Since this airworthiness directive when accomplished, relieves an operating re-

striction on the aircraft which reduced its utilization, and imposes no unnecessary burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

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

**BEECHCRAFT:** Applies to Models 65-90, 65-A90, and 65-B90 aircraft (Serial Nos. LJ-1 through LJ-406) and Model 65-A90-1 aircraft (Serial Nos. LM-1 through LM-129).

Compliance required as indicated.

To reduce the possibility of engine damage and malfunction while operating in icing conditions above 15,000 feet MSL, within one year after the effective date of this airworthiness directive, unless already accomplished, accomplish the following:

(A) Install seal strips and a spring lock-down assembly on the Inertial Separator Vane and an automatic ignition (relight) system in accordance with the method outlined in Beechcraft Service Instructions No. 0115-010 dated October 1, 1968.

(B) Equip the airplane with the applicable FAA Flight Manual as set forth in Beechcraft Service Instructions No. 0115-010 dated October 1, 1968.

(C) The Emergency Order Amending Type Certificate No. 3A20 dated May 24, 1968, as amended September 19, 1968, shall remain in force and effect as to each individual aircraft covered by this airworthiness directive until paragraphs (A) and (B) have been accomplished.

This amendment becomes effective October 17, 1968.

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

Issued in Kansas City, Mo., on October 4, 1968.

EDWARD C. MARSH,  
Director, Central Region.

[F.R. Doc. 68-12604; Filed, Oct. 16, 1968; 8:47 a.m.]

[Airworthiness Docket No. 68-WE-12-AD; Amdt. 39-670]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Boeing Models 707 and 720 Series Airplanes

Amendment 39-640 (33 F.R. 11976), AD 68-17-8, requires inspection for cracks, and repairs as necessary, of the lower wing skin, inboard of the inboard nacelle at the front spar on the Boeing 707 and 720 Series aircraft. After issuing Amendment 39-640 the Agency determined that the repetitive inspection intervals may be increased for the 707 Series aircraft. Therefore, the AD is being amended to provide 1,200 hours repetitive inspection intervals where eddy current or dye check inspection techniques are used and 2,000-hour repetitive inspection intervals where X-ray inspection techniques are used.

Since this amendment is relieving in nature and imposes no additional burden

on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-640 (33 F.R. 11976), AD 68-17-8 is amended by changing paragraphs (b), (d), (e), (f), (h), (i), (j), and (k) to read as follows:

(b) Inspect the lower wing skin of aircraft which have been repaired by installation of the small repair doubler in accordance with Boeing Service Bulletin 1995, within 1,600 hours (for 720 Series) or 2,000 hours (for 707 Series) after installation or within the next 400 hours (for 720 Series) or 600 hours (for 707 Series) time in service after the effective date of this AD, unless inspected within the previous 1,200 (for 720 Series) or 1,400 (for 707 Series) hours time in service and at intervals thereafter not to exceed 1,600 (for 720 Series) or 2,000 (for 707 Series) hours time in service, per (e).

(d) On those aircraft which have not had the drag fitting trimmed and the fairing attach angle modified in accordance with Boeing Service Bulletin 1995, within the next 400 hours (for 720 Series) or 600 hours (for 707 Series) time in service after the effective date of this AD and thereafter at intervals not to exceed 800 hours (for 720 Series) or 1,200 hours (for 707 Series) time in service, inspect for cracks, in the lower wing skin, emanating from the forward fastener for the drag fitting and from the fasteners for the fairing attach angle as noted in Figure 1 of Boeing Service Bulletin 1995 (Revision 5), by use of eddy current inspection techniques (dye penetrant inspection techniques are acceptable for inspection of skin around fairing attach angle fasteners) at the threshold times specified in (h), (i), (j), or (k) as appropriate. If cracks are found around the fairing attach angle or emanating aft from the drag fitting fastener, rework the drag fitting, doubler and skin prior to further flight in accordance with (g). If cracks are found emanating forward from the drag fitting fastener, rework the drag fitting, doubler and skin prior to further flight in accordance with Boeing Service Bulletin 1995 (Revision 5 or later FAA-approved revision) or equivalent rework and modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Inspect the lower wing skin covered by the small repair doubler for cracks by use of the X-ray inspection techniques noted in Boeing Service Bulletin 1995 (Revision 5 or later FAA-approved revisions) or an equivalent inspection technique approved by the Chief, Aircraft Engineering Division, FAA Western Region. Repeat inspections at intervals not to exceed 1,600 hours (for 720 Series) or 2,000 hours (for 707 Series) time in service. If crack growth is found, repair prior to further flight in accordance with (g).

(f) If the cracks fall within the crack length limits outlined in the paragraph entitled "Installation of the small repair doubler" (Part II, Boeing Service Bulletin 1995, Revision 5 or later FAA-approved revisions), repair in accordance with that section of the bulletin or later FAA-approved revisions. Within 1,600 hours (for 720 Series) or 2,000 hours (for 707 Series) after installation of the doubler, inspect in accordance with (e).

(h) For those airplanes listed in Boeing Service Bulletin 1995 (Revision 5 or later FAA-approved revisions) Part I, and having less than 6,000 (for 720 Series) or less than 10,000 (for 707 Series) hours time in service on the effective date of this AD, prior to the accumulation of 6,800 (for 720 Series) or

11,200 (for 707 Series) hours time in service, respectively, and thereafter not to exceed 800 (for 720 Series) or 1,200 (for 707 Series) hours time in service from the last inspection.

(i) For aircraft listed in Boeing Service Bulletin 1995 (Revision 5 or later FAA-approved revisions) Part I, and having 6,000 or more (in the case of 720 Series aircraft) or 10,000 or more (in the case of 707 Series aircraft) hours time in service on the effective date of this AD, within the next 400 (for 720 Series) or 600 (for 707 Series) hours time in service, unless accomplished within the last 400 (for 720 Series) or 600 (for 707 Series) hours time in service, and at intervals thereafter not to exceed 800 (for 720 Series) or 1,200 (for 707 Series) hours time in service.

(j) For aircraft listed in Boeing Service Bulletin 1995 (Revision 5 or later FAA-approved revisions) Part II, and having less than 10,000 (in the case of the 720 Series) or less than 15,000 (in the case of the 707 Series) hours time in service on the effective date of this AD, prior to the accumulation of 10,800 or 16,200 hours time in service, respectively, and thereafter at intervals not to exceed 800 (for 720 Series) or 1,200 (for 707 Series) hours time in service from the last inspection.

(k) For aircraft listed in Boeing Service Bulletin 1995 (Revision 5 or later FAA-approved revisions) Part II, and having 10,000 or more (in the case of the 720 Series) or 15,000 or more (in the case of the 707 Series) hours time in service on the effective date of this AD, within the next 400 (for 720 Series) or 600 (for 707 Series) hours time in service unless accomplished within the last 400 (for 720 Series) or 600 (for 707 Series) hours time in service, and at intervals thereafter not to exceed 800 (for 720 Series) or 1,200 (for 707 Series) hours time in service.

This amendment becomes effective on October 18, 1968.

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

Issued in Los Angeles, Calif., on October 4, 1968.

ARVIN O. BASNIGHT,  
Director, FAA Western Region.

[F. R. Doc. 68-12605; Filed, Oct. 16, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SW-58]

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

### Alteration of Transition Area

On August 20, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11782) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to alter the Corpus Christi, Tex., transition area.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

In § 71.181 (33 F.R. 2167, 6532), the Corpus Christi, Tex., transition area 700-foot portion is amended by substituting " \* \* \* 9-mile radius \* \* \* " for " \* \* \* 7-mile radius \* \* \* " wherever it appears.

*Effective date.* This amendment shall be effective 0901 G.m.t., December 12, 1968.

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

Issued in Fort Worth, Tex., on October 7, 1968.

A. L. COULTER,  
Acting Director, Southwest Region.

[F.R. Doc. 68-12608; Filed, Oct. 16, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SW-56]

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

### Designation of Transition Area

On August 20, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11783) stating that the Federal Aviation Administration was considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Shawnee, Okla.

Interested persons were given 30 days in which to submit written data, views, or arguments.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

In § 71.181 (33 F.R. 2137), the following transition area is added:

SHAWNEE, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shawnee Municipal Airport (lat. 35°21'16" N., long. 96°56'33" W.), and within 2 miles each side of the 009° bearing from the Shawnee RBN (lat. 35°20'51" N., long. 96°56'48" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

*Effective date.* This amendment shall be effective 0901 G.m.t., December 12, 1968.

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

Issued in Fort Worth, Tex., on October 7, 1968.

A. L. COULTER,  
Acting Director, Southwest Region.

[F.R. Doc. 68-12610; Filed, Oct. 16, 1968; 8:47 a.m.]

[Airspace Docket No. 68-SO-67]

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

### Designation of Control Zone and Transition Area

On August 27, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 12105), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Alma, Ga., control zone and transition area.

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

All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate (lat. 31°32'20" N., long. 82°30'30" W.) for Bacon County Airport was obtained from Coast and Geodetic Survey. Accordingly, action is taken herein to add the geographic coordinate for the airport to the descriptions.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 12, 1968, as hereinafter set forth.

In § 71.171 (33 F.R. 2058), the following control zone is added:

ALMA, GA.

Within a 3-mile radius of Bacon County Airport (lat. 31°32'20" N., long. 82°30'30" W.); within 2 miles each side of the Alma VORTAC 146° and 334° radials, extending from the 3-mile radius zone to 8 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

In § 71.181 (33 F.R. 2137), the following transition area is added:

ALMA, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bacon County Airport (lat. 31°32'20" N., long. 82°30'30" W.). This transition area is effective from 0600 to 2000 hours, local time, daily.

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

Issued in East Point, Ga., on October 7, 1968.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 68-12609; Filed, Oct. 16, 1968; 8:47 a.m.]

[Reg. Docket No. 9189; Amdt. 95-172]

## PART 95—IFR ALTITUDES

### Miscellaneous Amendments

#### Correction

In F.R. Doc. 68-12357 appearing at page 15245 of the issue for Saturday, October 12, 1968, the MEA figure in § 95.6266 now reading " \*2,100 " should read " \*2,000 ".

[Docket No. 8788; Amdt. 103-5]

## PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

### Carriage of Extra Aviation Fuel by Small Helicopters

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to permit small helicopters to carry 20 gallons of aviation fuel on external racks when operated in remote areas of the United States.

This amendment was originally proposed as Notice of Proposed Rule Making 68-8 which was published in the FEDERAL REGISTER on March 30, 1968 (33 F.R. 5227). Interested persons have been afforded an opportunity to comment on the

proposal and all comments have been considered.

The comments were generally in favor of the rule as proposed. However, one comment stated that the necessity of carrying the metal fuel containers within fiberboard or wooden boxes was unnecessarily restrictive. The FAA does not agree. Outside containers are considered necessary to protect the metal fuel containers from damage that might cause leakage.

Another commentator pointed out that, under the proposed rule, 5-gallon fuel containers could not be carried in wooden boxes although this would obviously be a safer procedure. In response to this comment, the rule authorizes the use of either wood or DOT specification fiberboard boxes to enclose metal fuel containers of not more than 5 gallons capacity.

It has also been suggested that the proposed rule would be more advantageous if the maximum amount of additional fuel allowed was a percentage of an aircraft's normal fuel capacity, rather than an arbitrary value of 20 gallons. The intent of the amendment is somewhat narrower than this. It has been determined that an additional 20 gallons of fuel provides an adequate increase in range to those aircraft within contemplation of the proposed rule. Furthermore, when carried externally, the amount of additional fuel necessary to provide a larger helicopter with any appreciable increase in range would create an unacceptable hazard.

In consideration of the foregoing and for the reasons set forth in Notice 68-8, § 103.33 of the Federal Aviation Regulations is amended, effective November 16, 1968, to read as follows:

**§ 103.33 Transportation of gasoline, kerosene, or aviation fuel in small aircraft.**

A small aircraft operated entirely within the State of Alaska or a small helicopter operated into a remote area in the United States may carry, in other than scheduled passenger-carrying operations, not more than 20 gallons of gasoline, kerosene, or aviation fuel, if—

- (a) Transportation by air is the only practical means of providing suitable fuel;
- (b) The flight is necessary to meet the needs of the passenger;
- (c) The fuel is carried in metal containers that are either—

(1) DOT (Department of Transportation) Specification 2A containers of not more than 5 gallons capacity, each packed inside a DOT Specification 12B fiberboard box or each packed inside a DOT Specification 15A, 15B, 15C, 16A, 19A, or 19B wooden box or, for small aircraft in Alaska, each packed inside a wooden box of at least one-half inch thickness;

(2) Airtight, leakproof, inside containers of not more than 10 gallons capacity and of at least 28-gauge metal, each packed inside a DOT Specification 15A, 15B, 15C, 16A, 19A, or 19B wooden

box or, for small aircraft in Alaska, each packed inside a wooden box of at least one-half inch thickness;

(d) On helicopters, the fuel is carried on external cargo racks;

(e) The area or compartment in which the fuel is loaded is ventilated so as to prevent the accumulation of fumes;

(f) Before each flight, the pilot in command—

(1) Informs each passenger of the location of the fuel and the hazards involved; and

(2) Prohibits smoking, lighting matches, the carrying of any lighter cigar, pipe, cigarette, or flame, and the use of anything that might cause an open flame or spark, while loading or unloading or in flight; and

(g) Fuel is transferred to the fuel tanks only while the aircraft is on the surface.

(Secs. 313(a) and 601(c) of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a) and 1421(c))

Issued in Washington, D.C., on October 10, 1968.

D. D. THOMAS,  
Acting Administrator.

[F.R. Doc. 68-12606; Filed, Oct. 16, 1968; 8:47 a.m.]

**Chapter II—Civil Aeronautics Board**

**SUBCHAPTER F—POLICY STATEMENTS**

[Reg. No. PS-37]

**PART 399—STATEMENTS OF GENERAL POLICY**

**Participation of Combination Carriers in Blocked Space Service**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of October 1968.

On November 21, 1967, the Board issued a notice of proposed rule making (PSDR-19, Docket 19279), proposing to amend Part 399 (14 CFR Part 399), its Statements of General Policy, to permit combination as well as all-cargo carriers to provide blocked-space service to air freight forwarders and to large volume shippers. Interested persons were invited to file written data, views or arguments pertaining to the proposed rule. In response, comments were filed by the three all-cargo carriers,<sup>1</sup> eight combination carriers,<sup>2</sup> WTC Air Freight and the Society of American Florists.<sup>3</sup> None of the comments opposes the Board's purpose in this rule making proceeding of extending blocked space authority to combination carriers. However, United proposes

<sup>1</sup> Airlift International, Inc., The Flying Tiger Line Inc., and Seaboard World Airlines, Inc.

<sup>2</sup> American Airlines, Inc., Delta Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., and Trans-Texas Airways, Inc.

<sup>3</sup> The Society proposes that a percentage restriction be imposed on the amount of space which may be reserved on each aircraft for blocked space service.

that the same result could be achieved by deleting rather than amending the policy statement on the ground that it was necessary in the first place only because of the exclusion of combination carriers from blocked space authorization. In addition, four combination carriers which do not offer all-cargo service propose an amendment that would remove the requirement that blocked space operations must be provided on all-cargo aircraft. Flying Tiger, the only carrier that offers blocked space service, while not opposing its extension to combination carriers asks that this action be deferred until January 1, 1969, by which time the carrier proposes to cancel its blocked-space tariffs, present new rate and service concepts and put its new jet aircraft into service.

On the basis of the comments filed, the Board has determined to remove the prohibition against the performance of blocked space service by combination carriers. However, we have decided to accomplish this result by deleting rather than by amending § 399.37 of the Policy Statements. This action will provide the Board with flexibility, through normal rate proceedings, to determine whether to permit the continuation or expansion of blocked space service, if economically warranted, or to restrict or deny its use to avoid diluting the rate structure, should blocked space service come to represent merely a reduced rate not justified by cost or other factors. Moreover, with the grant of blocked space authority to combination carriers, the only function of the policy statement would be to define permissible blocked space service. In light of the various requests for the modification of the present definition, noted above, it would be more appropriate, in our view, to determine the precise requirements for blocked space service upon the filing of particular blocked space tariffs in the course of normal rate proceedings.

While Flying Tiger has requested that the extension of blocked space authority to combination carriers to be deferred until January 1, 1969, we will make our action effective with the usual 30-day notice. Flying Tiger is now operating stretched DC-8 all-cargo aircraft, which are competitive with the equipment of the combination carriers, and its currently effective tariff calls for cancellation of blocked space rates effective December 2, 1968. Under these circumstances, we see no danger that implementation of our action on 30 days' notice will cause an erosion of the present rate structure, or place Flying Tiger at a competitive disadvantage.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 of its Statements of General Policy, effective November 16, 1968, as follows:

1. Amend the table of contents by deleting and reserving § 399.37 as follows:

Sec.	*	*	*	*	*
399.37	[Reserved]				
	*	*	*	*	*

## § 399.37 [Deleted]

2. Delete and reserve § 399.37.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324)

Adopted: October 14, 1968.

Effective: November 16, 1968.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.[F.R. Doc. 68-12643; Filed, Oct. 16, 1968;  
8:50 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-1430]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Farmer Brown's Furniture Barn, Inc. and Morton J. Brown

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices*: 13.155-40 *Exaggerated as regular and customary*; 13.155-70 *Percentage savings*. Subpart—Misrepresenting oneself and goods—*Prices*: § 13.1805 *Exaggerated as regular and customary*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Farmer Brown's Furniture Barn, Inc., et al., Beltsville, Md., Docket C-1430, Sept. 27, 1968]

Consent order requiring a Beltsville, Md., furniture retailer to cease making deceptive pricing and savings claims in the sale of its merchandise.

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

*It is ordered*, That respondents Farmer Brown's Furniture Barn, Inc., a corporation, and its officers, and Morton J. Brown, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of furniture or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

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

2. Representing, in any manner, that by purchasing any merchandise customers are afforded savings amounting

to the difference between respondents' stated price and any other price used for comparison with that price;

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

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

(c) Unless a substantial number of the principal retail outlets in the trade area regularly offer the merchandise for sale at the compared price or some higher price; or

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

3. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise; or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

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

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

Issued: September 27, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.[F.R. Doc. 68-12585; Filed, Oct. 16, 1968;  
8:46 a.m.]

[Docket No. C-1431]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Metro Transmission Services, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleadingly guarantees*; § 13.155 *Prices*: 13.155-5 *Additional charges unmentioned*; 13.155-95 *Terms and conditions*. Subpart—Misrepresenting oneself and goods—*Goods*: § 13.1647 *Guarantees*; *Misrepresenting oneself and goods*—*Prices*: § 13.1778 *Additional costs unmentioned*; *Misrepresenting oneself and goods*—*Services*: § 13.1843 *Terms and conditions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Metro

Transmission Services, Inc., et al., Washington, D.C., Docket C-1431, Sept. 27, 1968]

*In the Matter of Metro Transmission Service, Inc., a Corporation, and Joseph M. Chiacchiera and Andrew A. Chiacchiera, Individually and as Officers of Said Corporation*

Consent order requiring a Washington, D.C., automobile transmission repair concern to cease making deceptive pricing and guarantee claims and misrepresenting down payment requirements.

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

*It is ordered*, That respondents Metro Transmission Service, Inc., a corporation, and its officers, and Joseph M. Chiacchiera and Andrew A. Chiacchiera, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of any transmission, motor or other automotive component, or any other product or any service in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising the price of particular services such as an overhaul, inspection, or resale job, unless in conjunction therewith disclosure is made, in a prominent place and in a type size that is easily legible, that there are many possible defects in an automobile transmission, other automotive component, or other product, for which the advertised services are ineffective and which require additional parts and labor to repair and that such repairs will cost substantially more than the advertised price.

2. Representing, directly or by implication, that any merchandise or service is offered for sale when such offer is not a bona fide offer to sell said merchandise or service.

3. Using the term "overhaul," or any term or words of similar import, to refer to any transmission service which does not include the removal, disassembly, and replacement of all worn parts, hard or soft, and the reassembly and reinstallation of the transmission in the vehicle, unless in conjunction with the use of the term "overhaul," in a prominent place and in type that is easily legible, disclosure is made of:

(a) The parts that will be replaced in connection with the "overhaul" and are included in the overhaul price, as well as their price if purchased separately, and

(b) The parts that will not be replaced as part of the overhaul and their price, and/or

(c) The fact that in many cases substantial additional costs will be incurred if parts other than those regularly included in the overhaul must be replaced in order to repair the transmission.

4. Using the term "adjusted," or any term or words of similar import, to refer to any transmission service which does not include the replacement of the old transmission fluid with new fluid, unless

there is a disclosure in a prominent place and in a type that is easily legible, that additional expense will be incurred by the customer if he wishes to have new transmission fluid placed in his transmission after the adjustment.

5. Representing, directly or by implication, that any article of merchandise or service is warranted or guaranteed, unless all of the terms and conditions of the warranty or guarantee, the identity of the warrantor or guarantor, and the manner in which the warrantor or guarantor will in good faith perform thereunder are clearly and conspicuously disclosed.

6. Using the term "No money down", or any term or words of similar import, in connection with respondents' offer to sell any merchandise or service or misrepresenting, in any manner, the terms upon which respondents finance their merchandise or services.

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

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

Issued: September 27, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-12586; Filed, Oct. 16, 1968;  
8:46 a.m.]

[Docket No. C-1429]

**PART 13—PROHIBITED TRADE PRACTICES**

**Charles Woodward and American Education Center, et al.**

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections*; 13.15-125 *Individual or private business being*; 13.15-125(u) *Nonprofit organizations*; § 13.75 *Free goods or services*; § 13.85 *Government approval, action, connection or standards*; 13.85-5 *Accreditation of correspondence courses, etc.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections*: § 13.1430 *Government indorsement, sanction or sponsorship*; § 13.1450 *Individual or private business as educational, religious or research institution*; *Misrepresenting oneself and goods—Goods*: § 13.1625 *Free goods or services*. Subpart—*Using misleading name—Vendor*: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charles Woodward trading as American Education Center, etc., Miami, Fla., Docket C-1429, Sept. 23, 1968]

*In the Matter of Charles Woodward, an Individual Trading and Doing Business as American Education Center, and American Institute of Education*

Consent order requiring a Miami, Fla., distributor of correspondence courses to cease using trade names which imply his business is a nonprofit educational organization, misrepresenting that his business is accredited, that he provides scholarships, and that instructional material is free.

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

*It is ordered.* That respondent Charles Woodward, an individual, trading and doing business as American Education Center and American Institute of Education, or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, or distribution of courses of study and instruction in journalism, English, photography, sewing, beauty culture, or any other subject, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "American Education Center," "American Institute of Education," or any other name or names of similar import or meaning; or representing, in any manner, that respondent's business is other than that of a private commercial venture engaged in the sale of correspondence courses for a profit.

2. Representing, directly or by implication, that respondent's school or his courses have been accredited, approved, or recognized by any educational authority in the United States.

3. Misrepresenting in any manner, the status, accreditation or approval of respondent's business, his school or his courses.

4. Representing, directly or by implication, that respondent provides scholarships.

5. Representing, directly or by implication, that the instructional material and equipment provided as part of respondent's courses is free; or misrepresenting, in any manner, the cost or nature of respondent's courses.

*It is further ordered.* That the respondent shall forthwith distribute a copy of this order to each of his operating divisions and individuals concerned with his operations.

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

By the Commission.

Issued: September 23, 1968.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 68-12587; Filed, Oct. 16, 1968;  
8:46 a.m.]

**Title 21—FOOD AND DRUGS**

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

**SUBCHAPTER B—FOOD AND FOOD PRODUCTS**

**PART 121—FOOD ADDITIVES**

**Subpart D—Food Additives Permitted in Food for Human Consumption**

**WHITE MINERAL OIL; PETROLATUM**

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8A2237) filed by American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y. 10020, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of white mineral oil and petrolatum as release agents and as sealing and polishing agents in the manufacture of confectionery. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. In § 121.1146(c) by adding a new item 14, as follows:

**§ 121.1146 White mineral oil.**

* * * *	* * * *
(c) * * *	* * * *
Use	* * * *
* * * *	* * * *

14. As a release agent and as sealing and polishing agent in the manufacture of confectionery. Not to exceed 0.2 percent of confectionery.

2. In § 121.1166(c) by inserting after the item "In bakery products \* \* \*" a new item, as follows:

**§ 121.1166 Petrolatum.**

* * * *	* * * *
(c) * * *	* * * *
Use	* * * *
* * * *	* * * *

In confectionery; as release agent and as sealing and polishing agent. Not to exceed 0.2 percent of confectionery.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the

order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: October 9, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-12627; Filed, Oct. 16, 1968;  
8:49 a.m.]

## PART 121—FOOD ADDITIVES

### Subpart G—Radiation and Radiation Sources Intended for Use in the Production, Processing, and Handling of Food

#### REVOCATIONS

A notice was published in the FEDERAL REGISTER of August 24, 1968 (33 F.R. 12055), proposing the revocation of the food additive regulations providing for use of ionizing radiations in the high-dose processing of canned bacon.

One comment (supportive) was received in response to the proposal, and the Commissioner of Food and Drugs concludes that the regulations should be revoked as proposed.

Accordingly, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348) and delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by revoking §§ 121.3002 *High-dose gamma radiation for the processing of food*, 121.3004 *High-dose electron beam radiation for the processing of food*, and 121.3005 *High-dose X-radiation for the processing of food*.

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

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

(Sec. 409, 72 Stat. 1786 et seq.; 21 U.S.C. 348)

Dated: October 9, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-12626; Filed, Oct. 16, 1968;  
8:46 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

#### PART 154—CONDITIONS OF DELIVERY

I. In § 154.9 paragraph (b) is amended to provide for the delivery of mail to postal finance clerks; and new paragraph (e) is added providing that return receipts covering registered, numbered insured, and certified mail shall not be completed by anyone other than the addressee.

§ 154.9 *Delivery to military organizations and naval vessels.*

(b) *Units operating military post offices.* All mail addressed to military organizations that operate military post offices will be delivered to the military postal clerk or an assistant postal clerk, or to a postal finance clerk for the organization. Additionally, mail for other military organizations may be delivered to military postal clerks or postal finance clerks for further delivery when requested.

(e) *Return receipts.* Return receipts covering registered numbered insured, and certified mail shall not be completed by anyone other than the addressee. Such return receipts shall not be completed by mail orderlies or unit mail clerks.

NOTE: The corresponding Postal Manual sections are 154.92 and 154.95 respectively.

#### PART 155—CITY DELIVERY

II. In § 155.1 the first sentence is amended for the purpose of correcting the wording thereof. No substantive change is made.

§ 155.1 *Establishing city delivery.*

City delivery service may be established at any post office with annual postal receipts of at least \$10,000 and having a population of 2,500 or more living within territory possessing good continuous sidewalks, surfaced streets, house numbers, street signs, and mail receptacles or door slots. \* \* \*

NOTE: The corresponding Postal Manual section is 155.1.

#### PART 161—REGISTRY

III. In § 161.6 paragraph (a) is amended to conform to § 164.6(a), concerning the payment of indemnity.

§ 161.6 *Registration without prepayment.*

(a) *Official Government mail.* Official mail of Government agencies that periodically reimburse the Post Office Department for handling their mail, or that pay for mail services on a negotiated basis, may be registered without stamps affixed. See § 137.2 of this chapter. Postal insurance coverage is provided. See § 164.6(a) of this chapter.

NOTE: The corresponding Postal Manual section is 161.61.

IV. In § 161.7 paragraph (b), relating to sealing of registered mail, is amended by changing the word "strips", in the fourth sentence, to "or cloth tape."

§ 161.7 *Preparation for mailing.*

(b) *Sealing.* The sender must securely seal envelopes. Self-sealing envelopes are not acceptable. Do not place paper or cellulose strips or wax or paper seals over the intersections of flaps of letter size envelopes where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper or cloth tape. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue. Large envelopes (flats) which are completely sealed and which also have paper strips or paper tape across the intersections of the flaps may be considered packages so far as the sealing requirements are concerned. Tape that will not adhere in such a manner as to damage the envelope or wrapper if removed, or tape which will not absorb a postmark impression, may not be used on registered mail.

NOTE: The corresponding Postal Manual section is 161.72.

V. In § 161.9 paragraph (g)(5) is amended to add postal finance clerk to the list of persons designated to accept and deliver accountable mail.

§ 161.9 *Delivery.*

(g) *Restricted delivery.* \* \* \*

(5) Registered mail addressed to the commander, staff sections, and other officials of military organizations by name and title will be delivered to the unit mail clerk, mail orderly, postal clerk, or assistant postal clerk or postal finance clerk, in accordance with § 154.9(c) of this chapter.

NOTE: The corresponding Postal Manual section is 161.97.

(5 U.S.C. 301, 39 U.S.C. 501, 712, 5001, 5003, 6001)

TIMOTHY J. MAY,  
General Counsel.

OCTOBER 11, 1968.

[F.R. Doc. 68-12598; Filed, Oct. 16, 1968;  
8:47 a.m.]

**Title 47—TELECOMMUNICATION**

**Chapter I—Federal Communications Commission**

**PART 73—RADIO BROADCAST SERVICES**

**PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES**

**Miscellaneous Amendments**

1. During late 1967 and early 1968, a number of changes in Parts 73 and 74 of the Commission's rules have been worked out, most of them purely of an editorial nature, preparatory to reprinting of these parts (contained in Volume III) by the Government Printing Office during the latter part of 1968. Those changes which were of a more than routine nature were adopted by the Commission in February 1968 (FCC 68-299, released Mar. 8, 1968, 12 R.R. 2d 1591, 33 F.R. 4408). The remainder of the changes are contained in the appendix hereto.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, and otherwise improve them from an editorial standpoint. Since the changes are entirely editorial in nature, prior notice or rule making proceedings, or the customary waiting period following publication in the FEDERAL REGISTER, usually required by the Administrative Procedure Act (5 U.S.C. 553) are not required and are unnecessary. Except for two changes, the changes in the appendix hereto appear in the new edition of Volume III of the Commission's rules, scheduled for release by the Government Printing Office on or about October 18, 1968. The two (revision of § 73.573(b) to conform to similar remote control provisions of the other aural services, and addition of an appropriate center heading immediately preceding § 73.971) will be made in an early transmittal.

3. Accordingly, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.261 of the Commission's rules, effective October 22, 1968, certain sections of Parts 73 and 74 of the Commission's rules are amended to read as set forth below.

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

Adopted: October 10, 1968.

Released: October 16, 1968.

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

1. Section 73.1 is revised to read as follows:

**§ 73.1 Standard broadcast station.**

The term "standard broadcast station" means a broadcasting station licensed for the transmission of radiotelephone emis-

sions primarily intended to be received by the general public and operated on a channel in the band 535-1605 kilocycles per second (kc/s).

2. Section 73.2 is revised to read as follows:

**§ 73.2 Standard broadcast band.**

The term "standard broadcast band" means the band of frequencies extending from 535 to 1605 kc/s.

3. Section 73.3 is revised to read as follows:

**§ 73.3 Standard broadcast channel.**

The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kc/s and be in successive steps of 10 kc/s.

4. Section 73.5 is revised to read as follows:

**§ 73.5 Secondary station.**

The term "secondary station" means any station, except a Class I station, operating on a clear channel.

5. In § 73.24, paragraph (b) of the note to paragraph (b) is revised to read as follows:

**§ 73.24 Broadcast facilities; showing required.**

(b) \* \* \*

NOTE: \* \* \*

(b) The proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree (see § 73.28(d)).

6. Section 73.30 is revised to read as follows:

**§ 73.30 Station location and program origination.**

(a) (1) Except as provided in paragraph (b) of this section, each standard broadcast station will be licensed to serve primarily a particular city, town, political subdivision, or community which will be specified in the station license and the station will be considered to be located in such place. (2) Unless licensed as a synchronous amplifier transmitter, each station shall maintain a studio, which will be known as the main studio, in the place where the station is located: *Provided*, That the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located. (3) A majority (computed on the basis of duration and not number) of a station's programs, or in the case of a station affiliated with a network two-thirds of such station's nonnetwork programs, whichever is smaller, shall originate from the main studio or from the other studios or remote points situated in the place where the station is located.

(b) (1) Stations will be licensed to serve more than one city, town, political

subdivision, or community only where a satisfactory showing is made that each such place meets all the requirements of the rules and regulations of this subpart with respect to the location of main studios; that the station can and will originate a substantial number of local live programs from each such place; and that the requirements as to origination of programs contained in paragraph (a) of this section would place an unreasonable burden on the station if it were licensed to serve only one city, town, political subdivision, or community. (2) A station licensed to serve more than one place shall be considered to be located in and shall maintain main studios in each such place. (3) With respect to such station the requirements as to origination of programs contained in paragraph (a) of this section shall be satisfied by the origination of programs from any or all of the main studios or from other studios and remote points situated in any or all of the places in which the main studios are located.

(c) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the borough or city in which the main studio is located in accordance with the rules and regulations of this subpart.

7. In § 73.39, paragraph (d) (9), and paragraph (f) are revised to read as follows:

**§ 73.39 Indicating instruments—specifications.**

(d) \* \* \*

(9) In the event there is any question as to the method of providing the remote indication, or the accuracy of the remote meter, the burden of proof of satisfactory performance shall be upon the licensee and the manufacturer of the equipment.

(f) No instrument, the seal of which has been broken, or the accuracy of which is questionable, shall be employed. Any instrument which was not originally sealed by the manufacturer that has been opened shall not be used until it has been recalibrated and sealed in accordance with the following: Repairs and recalibration of instruments shall be made by the manufacturer, by an authorized instrument repair service of the manufacturer, or by some other properly qualified and equipped instrument repair service. In any event, the instrument must be resealed with the symbol or trademark of the repair service and a certificate of calibration supplied therewith.

8. In § 73.40, paragraph (a) (3), Introductory text to paragraph (b), paragraph (b) (3) (iv), and paragraph (f) (1) (ii) are revised to read as follows:

**§ 73.40 Transmitter; design, construction, and safety of life requirements.**

(a) Design. \* \* \*

(3) The total audio frequency distortion from microphone terminals, including microphone amplifier, to antenna

output does not exceed 5 percent harmonics (voltage measurements of arithmetical sum or r.s.s.) when modulated from 0 to 84 percent, and not over 7.5 percent harmonics (voltage measurements of arithmetical sum or r.s.s.) when modulating 85 percent to 95 percent (distortion shall be measured with modulating frequencies of 50, 100, 400, 1000, 5000, and 7500 cycles per second (c/s) up to tenth harmonic or 1600 c/s, or any intermediate frequency that readings on these frequencies indicate is desirable).

(b) *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by the provisions of the National Electrical Code concerning transmitting equipment at radio and television stations.

(3) \* \* \*

(iv) It is not necessary to protect the equipment in the antenna tuning house and the base of the antenna with screens and interlocks, provided the doors to the tuning house and antenna base are fenced and locked at all times, with the keys in the possession of the operator on duty at the transmitter. Ungrounded fencing or wires should be effectively grounded, either directly or through proper static leaks. Lightning protection for the antenna system is not specifically required but should be installed.

(f) *Studio equipment.* \* \* \*

(1) \* \* \*

(ii) The pertinent provisions of the National Electrical Code concerning transmitting equipment at radio and television stations shall apply for voltages only when in excess of 500 volts.

9. In § 73.46, paragraph (b) is revised to read as follows:

§ 73.46 Transmitter.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications concerning transmitting equipment at radio and television stations contained in the current National Electrical Code as approved by the American Standards Association.

10. In § 73.47, paragraph (a) (2) is revised to read as follows:

§ 73.47 Equipment performance measurements.

(a) \* \* \*

(2) Data and curves showing audio frequency harmonic content for 25, 50, 85, and 100 (if obtainable) percent modulation for fundamental frequencies of 50, 100, 400, 1000, 5000, and 7500 c/s (either arithmetical or root sum square values up to the 10th harmonic or 16,000 c/s). Plot family of curves (one for each percentage above) with percent distortion

as ordinate and audio frequency as abscissa.

11. In § 73.48, paragraph (a) (1) through (5) is revised to read as follows:

§ 73.48 Acceptability of broadcast transmitters for licensing.

(a) \* \* \*

(1) A transmitter may be type accepted upon the request of any manufacturer of transmitters by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the data and information submitted indicate that the transmitter meets the requirements of § 73.40. If accepted, such transmitter will be included on the Commission's "Radio Equipment List." Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955, may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(4) A permittee may, without further authority, install a transmitter other than that specifically authorized in its construction permit if such transmitter is listed in the Commission's "Radio Equipment List" as accepted for the power authorized.

(5) A licensee may, without further authority, install and utilize a transmitter other than that specifically authorized in its station license if the transmitter so installed and utilized is listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" as accepted for the power authorized if the Commission and the Engineer in Charge of the radio district

in which the station is located are notified within 3 days after the date of installation of the transmitter. Such notice shall include the make and type number of the transmitter and a certification by the licensee that the transmitter as installed complies with the appropriate technical provisions of this subpart.

12. Section 73.59 is revised to read as follows:

§ 73.59 Frequency tolerance.

The operating frequency of each station shall be maintained within 20 cycles per second of the assigned frequency.

13. In § 73.63, paragraph (d) is revised to read as follows:

§ 73.63 Auxiliary transmitter.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the licensed frequency: *Provided, however,* That the test in any week may be omitted if the auxiliary transmitter has been operated during the week pursuant to paragraph (c) of this section and such operation was satisfactory. Tests while using the regular antenna shall be conducted only between 12 midnight and 9 a.m., local time. Tests with a dummy load may be conducted at any time.

14. Section 73.65 is revised to read as follows:

§ 73.65 Antenna structure, marking, and lighting.

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

15. In § 73.67, paragraph (b) is revised to read as follows:

§ 73.67 Remote control operation.

(b) All stations, whether operating by remote control or direct control, shall be equipped so as to be able to follow the Emergency Action Notification procedures described in § 73.932.

16. In § 73.95, paragraph (b) is revised to read as follows:

§ 73.95 Equipment tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, or necessity.

17. In § 73.96, paragraph (b) is revised to read as follows:

§ 73.96 Program tests.

(b) Program tests shall not commence until specific Commission authority is received. The Commission reserves the right to change the date of the beginning of such tests or to suspend or revoke the authority for program tests as and when such action may appear to be in the public interest, convenience, or necessity.

18. In § 73.112(d), paragraph (a) of note 2 is revised to read as follows:

§ 73.112 Program log.

(d) \* \* \* \* \*

NOTE 2. Program source definitions.—(a) A local program (L) is any program originated or produced by the station, or for the production of which the station is primarily responsible, employing live talent more than 50 percent of the time. Such a program, taped or recorded for later broadcast, shall be classified as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring records or transcriptions shall be classified as recorded (REC) even though a station announcer appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local. (E.g., if during the course of a program featuring records or transcriptions a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local.)

19. In § 73.113, paragraph (a) (2), (4) (i) (b) and (6), and paragraph (b) (6) and (8) are revised to read as follows:

§ 73.113 Operating log.

(a) \* \* \* \* \*

(2) An entry of each interruption of the carrier wave, where restoration is not automatic, its cause and duration, followed by the signature of the person restoring operation (if licensed operator other than the licensed operator on duty).

(4) \* \* \* \* \*

(ii) \* \* \* \* \*

(b) Base current(s) without modulation, or with modulation, if the meter reading is not affected by modulation.

(6) The entries required by § 17.49 of this chapter.

(b) \* \* \* \* \*

(6) The automatic logging equipment is located at the remote control point if the transmitter is remotely controlled, or at the transmitter location if the transmitter is directly controlled;

(8) The indicating equipment conforms with the requirements of § 73.39 except that the scales need not exceed 2 inches in length. Arbitrary scales may not be used.

20. In § 73.114, paragraph (a) (3) is revised to read as follows:

§ 73.114 Maintenance log.

(a) \* \* \* \* \*

(3) Record of tower light inspections where required by § 17.49 of this chapter (Part 17—Construction, Marking and Lighting of Antenna Structures).

21. In 73.119, Intro text to paragraph (h) is revised to read as follows:

§ 73.119 Sponsored programs, announcement of.

(h) The announcements otherwise required by section 317 of the Communications Act of 1934, as amended, are waived with respect to the broadcast of "want ad" or classified advertisements sponsored by individuals. The waiver granted in this paragraph shall not extend to classified advertisements or want ads sponsored by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph the following conditions shall be observed:

22. In § 73.121(a), Note 1 is revised to read as follows:

§ 73.121 Rebroadcast.

(a) \* \* \* \* \*

NOTE 1: As used in § 73.121, "program" includes any complete program or part thereof, or any signals if other than A-3 emission.

23. In § 73.124, the note is revised to read as follows:

§ 73.124 Fraudulent billing practices.

NOTE: Commission interpretations in connection with this Rule may be found in a separate Public Notice issued Oct. 22, 1965, entitled "Applicability of Fraudulent Billing Rules." (FCC 65-952, 30 F.R. 13642.)

24. Section 73.131 is revised to read as follows:

§ 73.131 Exclusive affiliation of station.

No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broadcasting the programs of any other network organization. (The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J, of Report on Chain Broadcasting, FCC Order No. 37 (Docket 5060), May 1941.)

25. Section 73.137 is revised to read as follows:

§ 73.137 Dual network operation.

No license shall be issued to a standard broadcast station affiliated with a network organization which maintains more than one network of standard broadcast stations: *Provided*, That this

section shall not be applicable if such networks are not operated simultaneously, or if there is no substantial overlap in the territory served by the group of stations comprising each such network.

26. In § 73.182, paragraph (a) (1) (i), paragraph (1), and paragraph (c) are revised to read as follows:

§ 73.182 Engineering standards of allocation.

(a) \* \* \* \* \*

(1) \* \* \* \* \*

(i) The Class I stations in Group I-A are those assigned to the channels allocated by § 73.25(a), on which, except to the extent provided by that section and by § 73.22, duplicate nighttime operation is not permitted. The power of these stations shall be 50 kilowatts. The Class I stations in this group are afforded protection as follows:

Daytime: To the 0.1 mv/m groundwave contour from stations on the same channel, and to the 0.5 mv/m groundwave contour from stations on adjacent channels.

Nighttime: To the 0.5 mv/m, 50 percent skywave contour from stations on the same channel, and to the 0.5 mv/m groundwave contour from stations on adjacent channels.

(ii) The Class I stations in group I-B are those assigned to the channels allocated by § 73.25(b), on which duplicate operation is permitted, that is, other Class I or Class II stations operating unlimited time may be assigned to such channels. During nighttime hours of operation a Class I station of this group is protected to the 500 uv/m 50 percent skywave contour and during daytime hours of operation to the 100 uv/m groundwave contour from stations on the same channel. Protection is given to the 500 uv/m groundwave contour from stations on adjacent channels for both day and nighttime operation. The operating powers of Class I stations on these frequencies shall be not less than 10 kw nor more than 50 kw.

(1) Section 73.24 sets out the general requirements for obtaining an increase in facilities of a licensed station and for a new station. Sections 73.24(b) and 73.37 concern the matter of interference that may be caused by a new assignment or increase in facilities of an existing assignment.

(c) Objectionable nighttime interference from another broadcast station is the degree of interference produced when, at a specified field intensity contour with respect to the desired station, the field intensity of an undesired station (or the root-sum-square value of field intensities of two or more stations on the same frequency) exceeds for 10 percent or more of the time the values set forth in these standards. (The secondary service area of a Class I-A station should be considered as having this limit only for determination of service in comparison with other stations.)

27. In § 73.183, that portion of paragraph (c) before the note is revised to read as follows:

§ 73.183 Groundwave signals.

(c) In all cases where measurements taken in accordance with the requirements are not available, the groundwave intensity must be determined by means of the pertinent map of ground conductivity and the groundwave curves of field intensity versus distance. The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved. Figure M3 (see Note 1) shows the conductivity throughout the United States by general areas of reasonably uniform conductivity. When it is clear that only one conductivity value is involved, Figure R3 of § 73.190, which is a replica of Figure M3 and contained in these standards, may be used; in all other situations Figure M3 must be employed. It is recognized that in areas of limited size or over a particular path, the conductivity may vary widely from the values given; therefore, these maps are to be used only when accurate and acceptable measurements have not been made. (For determinations of interference and service requiring a knowledge of ground conductivities in Mexico, Appendix H to the North American Regional Broadcasting Agreement, Washington, D.C., 1950, may be used. Similarly, for values of ground conductivities in Canada, a map issued by the Telecommunications and Electronics Branch, Department of Transport, Ottawa, Ontario, entitled "Provisional Ground Conductivity Map" and dated June 1, 1960, may be used. Where different conductivities appear in the maps of two countries on opposite sides of the border, such differences are to be considered as real, even if they are not explained by geophysical cleavages. A uniform ground conductivity of 10 millimhos per meter may be assumed for Cuba.)

28. In § 73.185, the headnote and paragraph (a) are revised to read as follows:

§ 73.185 Computation of interfering signal.

(a) In case of an antenna directional in the horizontal plane, the groundwave interference shall be computed from the calculated horizontal pattern by determining the vectors toward the service area of the station to be protected and applying these values to the groundwave curves set out in § 73.184.

29. In § 73.189, paragraph (b) (2) (ii) and (iii) are revised to read as follows:

§ 73.189 Minimum antenna heights or field intensity requirements.

- (b) \* \* \*
- (2) \* \* \*

(i) Class II and III stations, a minimum effective field intensity of 175 mv/m for 1 kilowatt.

(iii) Class I stations, a minimum effective field intensity of 225 mv/m for 1 kilowatt.

§ 73.190 [Amended]

30. In § 73.190, paragraph C<sup>1</sup> of the explanation to Figure 7 is amended to read as follows:

C<sup>1</sup> Where it is shown that an antenna of more than 500 feet cannot be approved at any location within a metropolitan area because of air-traffic consideration, a height of 500 feet will be accepted.

31. In § 73.201, the intro text is revised to read as follows:

§ 73.201 Numerical designation of FM broadcast channels.

The FM broadcast band consists of that portion of the radio frequency spectrum between 88 megacycles per second (Mc/s) and 108 Mc/s. It is divided into 100 channels of 200 kilocycles per second (kc/s) each. For convenience, the frequencies available for FM broadcasting (including those assigned to noncommercial educational broadcasting) are given numerical designations which are shown in the table below:

32. In § 73.203, paragraph (a) is revised to read as follows:

§ 73.203 Availability of channels.

(a) Subject to the provisions of paragraph (b) of this section, applications may be filed to construct FM broadcast stations only on the channels assigned in the Table of Assignments (§ 73.202 (b)) and only in communities listed therein. Applications which fail to comply with this requirement, whether or not accompanied by a petition to amend the Table, will not be accepted for filing: *Provided, however,* That applications specifying channels which accord with publicly announced Commission orders changing the table of assignments will be accepted for filing even though such applications are tendered before the effective dates of such channel changes.

33. In § 73.216, paragraph (b) is revised to read as follows:

§ 73.216 Equipment tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, or necessity.

34. Section 73.231 is revised to read as follows:

§ 73.231 Exclusive affiliation of station.

No license shall be granted to an FM broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization under which the station is prevented or hindered from, or penalized for, broad-

casting the programs of any other network organization. (The term "network organization" as used herein includes national and regional network organizations. See ch. VII, J of Report on Chain Broadcasting, FCC Order No. 37 (Docket 5060), May 1941.)

35. Section 73.236 is revised to read as follows:

§ 73.236 Network ownership of stations.

No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control with a network organization, for an FM broadcast station in any locality where the existing FM broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing. (The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.)

36. In § 73.252, paragraph (a) and note are revised to read as follows:

§ 73.252 Frequency monitor.

(a) Each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a frequency monitor of a type approved by the Commission which shall be independent of the frequency control of the transmitter.

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List." Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

37. In § 73.253, paragraph (a) and note 1 are revised to read as follows:

§ 73.253 Modulation monitors.

(a) Each station shall have in operation, either at the transmitter or at the place where the transmitter is controlled, a modulation monitor of a type approved by the Commission for non-multiplex operation: *Provided,* That: (1) If the station is engaged in stereophonic operation as contemplated by § 73.297, the licensee shall have in operation a modulation monitor of a type approved by the Commission for monitoring stereophonic operation, and (2) if the station is engaged in operation with a Subsidiary Communications Authorization, as contemplated by § 73.295, the licensee shall have in operation a modulation monitor of a type approved by the Commission for monitoring SCA operation.

NOTE 1: Approved modulation monitors (nonmultiplex, stereophonic and SCA) are included on the Commission's "Radio Equipment List." Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at its field offices.

38. In § 73.255, paragraph (d) is revised to read as follows:

§ 73.255 Auxiliary transmitter.

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. Tests shall be conducted only between midnight and 6 a.m., local time. A record shall be kept of the time and result of each test. Such records shall be retained for a period of 2 years.

39. Section 73.269 is revised to read as follows:

**§ 73.269 Frequency tolerance.**

The center frequency of each FM broadcast station shall be maintained within 2000 cycles per second of the assigned center frequency.

40. Section 73.270 is revised to read as follows:

**§ 73.270 Antenna structure, marking and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

41. In § 73.275, paragraph (b) is revised to read as follows:

**§ 73.275 Remote control operation.**

(b) All stations, whether operating by remote control or direct control, shall be equipped so as to be able to follow the Emergency Action Notification procedures described in § 73.932.

42. In § 73.282, Note 2 of paragraph (d) is revised to read as follows:

**§ 73.282 Program log.**

(d) \* \* \*

NOTE 2. *Program source definitions.* (a) A local program (L) is any program originated or produced by the station, or for the production of which the station is primarily responsible, employing live talent more than 50 percent of the time. Such a program, taped or recorded for later broadcast, shall be classified as local. A local program fed to a network shall be classified by the originating station as local. All nonnetwork news programs may be classified as local. Programs primarily featuring records or transcriptions shall be classified as recorded (REC) even though a station announcer appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local. (E.g., if during the course of a program featuring records or transcriptions a nonnetwork 2-minute news report is given and logged as a news program, the report may be classified as local.)

43. In § 73.283, paragraph (a) (5) is revised to read as follows:

**§ 73.283 Operating log.**

(a) \* \* \*

(5) The entries required by § 17.49 (a), (b), and (c) of this chapter.

44. In § 73.284, paragraph (a) (5) is revised to read as follows:

**§ 73.284 Maintenance log.**

(a) \* \* \*

(5) Record of tower light inspections where required by § 17.49(d) of this chapter (Part 17—Construction, Marking, and Lighting of Antenna Structures).

45. In § 73.289, paragraph (h) is revised to read as follows:

**§ 73.289 Sponsored programs, announcement of.**

(h) The announcements otherwise required by section 317 of the Communications Act of 1934, as amended, are waived with respect to the broadcast of "want ad" or classified advertisements sponsored by individuals. The waiver granted in this paragraph shall not extend to classified advertisements or want ads sponsored by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph the following conditions shall be observed:

46. In § 73.299, note is revised to read as follows:

**§ 73.299 Fraudulent billing practices.**

NOTE: Commission interpretations in connection with this Rule may be found in a separate Public Notice issued Oct. 22, 1965, entitled "Applicability of Fraudulent Billing Rule." (FCC 65-952, 30 F.R. 13642.)

47. In § 73.317, Intro text to paragraph (b), and paragraph (g) (1) (ii) are revised to read as follows:

**§ 73.317 Transmitters and associated equipment.**

(b) *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames protected as required by the provisions of the National Electrical Code concerning transmitting equipment at radio and television stations, and as set forth below:

(g) \* \* \*

(1) \* \* \*

(ii) The pertinent provisions of the National Electrical Code concerning transmitting equipment at radio and television stations shall apply for voltages only when in excess of 500 volts.

48. In § 73.550, paragraph (a) (1) through (5) is revised to read as follows:

**§ 73.550 Acceptability of broadcast transmitters for licensing.**

(a) In order to facilitate the filing of, and action on, applications for station

authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter may be type-accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the data and information submitted indicates that the transmitter meets the requirements of § 73.317. If accepted, such transmitter will be included on the Commission's "Radio Equipment List". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

(2) An application specifying a transmitter not included on the "Radio Equipment List" may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955, may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(4) A permittee may, without further authority, install and utilize a transmitter other than that specifically authorized in its construction permit if such transmitter is listed in the Commission's "Radio Equipment List" as acceptable for the transmitter output power authorized and, if operation under § 73.595 or § 73.596 is included, such transmitter is listed in the said "Radio Equipment List" as acceptable for the appropriate type of operation.

(5) A licensee may, without further authority, install and utilize a transmitter other than that specifically authorized in its station license if the transmitter so installed and so utilized is listed in the Commission's "Radio Equipment List" as acceptable for the transmitter output power authorized and, if operation under § 73.595 or § 73.596 is included, such transmitter is listed in the said "Radio Equipment List" as acceptable

for the appropriate type of operation. In the event of such a transmitter substitution, the Commission and the Engineer in Charge of the radio district in which the station is located shall be notified within three days after the date of installation of the transmitter. Such notice shall specify the manufacturer and type number of the transmitter and shall include a certification by the licensee that the transmitter as installed complies with the appropriate technical provisions of this subpart.

49. § 73.552, the note to paragraph (a) is revised to read as follows:

**§ 73.552 Frequency monitor.**

(a) \* \* \*

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List". Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

50. In § 73.553, Note 1 to paragraph (a) is revised to read as follows:

**§ 73.553 Modulation monitors.**

(a) \* \* \*

NOTE: Approved modulation monitors (non-multiplex, stereophonic and SCA) are included on the Commission's "Radio Equipment List." Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at its field offices.

51. In § 73.554, paragraph (b) is revised to read as follows:

**§ 73.554 Transmitter performance.**

(b) The transmitter proper and associated transmitting equipment of each noncommercial educational FM broadcast station licensed for transmitter power output of 10 watts or less, although not required to meet all requirements of § 73.317, shall be constructed with safety features in accordance with the provisions concerning transmitting equipment at radio and television stations contained in the current National Electrical Code as approved by the American Standards Association, and shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or which are capable of causing interference to the communications of other stations. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects, shall at all times be capable of providing satisfactory broadcast service. Studio equipment properly covered by an underwriter's certificate will be considered as satisfying safety requirements.

52. Section 73.562 is revised to read as follows:

**§ 73.562 Experimental operation.**

The period between 1 a.m., and 6 a.m., local time, may be used for experimental purposes in testing and maintaining apparatus by the licensee of any noncom-

mercial educational FM broadcast station on its assigned frequency and in not excess of its authorized power, without specific authorization from the Commission.

53. Section 73.570 is revised to read as follows:

**§ 73.570 Antenna structure, marking and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

54. In § 73.573, paragraph (b) is revised to read as follows:

**§ 73.573 Remote control operation.**

(b) All stations, whether operating by remote control or direct control, shall be equipped so as to be able to follow the Emergency Action Notification procedures described in § 73.932.

54a. In § 73.584, paragraph (a) (5) is revised to read as follows:

**§ 73.584 Maintenance log.**

(a) \* \* \*

(5) Record of tower light inspections where required by § 17.49 of this chapter (Part 17—Construction, Marking, and Lighting of Antenna Structures).

55. Section 73.601 is revised to read as follows:

**§ 73.601 Scope of subpart.**

This subpart contains the rules and regulations (including engineering standards) governing television broadcast stations, including noncommercial educational television broadcast stations, in the United States, its Territories and possessions. Television broadcast stations are assigned channels 6 megacycles per second (Mc/s) wide, designated as set forth in § 73.603 (a).

56. In § 73.609, paragraph (a) (1) is revised to read as follows:

**§ 73.609 Zones.**

(a) \* \* \*

(1) Zone I consists of that portion of the United States located within the confines of the following lines drawn on the U.S. Albers Equal Area Projection Map (based on standard parallels  $29\frac{1}{2}^{\circ}$  and  $45\frac{1}{2}^{\circ}$ ; north American datum): Beginning at the most easterly point on the State boundary line between North Carolina and Virginia; thence in a straight line to a point on the Virginia-West Virginia boundary line located at north latitude  $37^{\circ}49'$  and west longitude  $80^{\circ}12'30''$ ; thence westerly along the southern boundary lines of the States of West Virginia, Ohio, Indiana, and Illinois to a point at the junction of the Illinois, Kentucky, and Missouri State boundary lines; thence northerly along the western boundary line of the State of Illinois to a point at the junction of the Illinois,

Iowa, and Wisconsin State boundary lines; thence easterly along the northern State boundary line of Illinois to the 90th meridian; thence north along this meridian to the  $43.5^{\circ}$  parallel; thence east along this parallel to the United States-Canada border; thence southerly and following that border until it again intersects the  $43.5^{\circ}$  parallel; thence east along this parallel to the 71st meridian; thence in a straight line to the intersection of the 69th meridian and the 45th parallel; thence east along the 45th parallel to the Atlantic Ocean. When any of the above lines pass through a city, the city shall be considered to be located in Zone I. (See Figure 1 of § 73.699.)

57. In § 73.640, paragraph (a) (1) and (2) is revised to read as follows:

**§ 73.640 Acceptability of broadcast transmitters for licensing.**

(a) \* \* \*

(1) A transmitter may be type-accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this chapter, provided that the date and information submitted indicates that the transmitter meets the requirements of § 73.687. If accepted, such transmitter will be included on the Commission's "Radio Equipment List". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, if the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D.C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file." Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

58. In § 73.654, the intro text to paragraph (i) is revised to read as follows:

**§ 73.654 Sponsored programs, announcement of.**

(i) The announcements otherwise required by section 317 of the Communications Act of 1934, as amended, are waived

with respect to the broadcast of "want ad" or classified advertisements sponsored by individuals. The waiver granted in this paragraph shall not extend to classified advertisements or want ads sponsored by any form of business enterprise, corporate or otherwise. Whenever sponsorship announcements are omitted pursuant to this paragraph the following conditions shall be observed:

59. Section 73.662 is revised to read as follows:

**§ 73.662 Antenna structure, marking and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

60. In § 73.669, paragraph (a) is revised to read as follows:

**§ 73.669 General requirements relating to logs.**

(a) The licensee or permittee of each television broadcast station shall maintain program, operating and maintenance logs as set forth in §§ 73.670, 73.671, and 73.672. Each log shall be kept by the station employee or employees competent to do so, having actual knowledge of the facts required, who in the case of program and operating logs shall sign the appropriate log when starting duty, and again when going off duty.

61. In § 73.672, paragraph (a) (5) is revised to read as follows:

**§ 73.672 Maintenance log.**

(a) \* \* \*

(5) Record of tower light inspections where required by § 17.49 of this chapter (Part 17—Construction, Marking, and Lighting of Antenna Structures).

62. In § 73.678, the note is revised to read as follows:

**§ 73.678 Fraudulent billing practices.**

NOTE: Commission interpretations in connection with this Rule may be found in a separate Public Notice issued Oct. 22, 1965, entitled "Applicability of Fraudulent Billing Rule." (FCC 65-952, 30 F.R. 13642)

63. In § 73.687, Intro text to paragraph (d), and paragraph (j) (2) are revised:

**§ 73.687 Transmitters and associated equipment.**

(d) *Construction.* In general, the transmitters shall be mounted either on racks and panels or in totally enclosed frames protected as required by the provisions of the National Electrical Code concerning transmitting equipment at radio and television stations, and as set forth below:

(j) \* \* \*

(2) The pertinent provisions of the National Electrical Code concerning transmitting equipment at radio and television stations shall apply for voltages only when in excess of 500 volts.

64. Section 73.768 is revised to read as follows:

**§ 73.768 Antenna structure, marking and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

64a. An undesignated center heading is added preceding § 73.971 to read:

**DAY-TO-DAY EMERGENCY OPERATION**

65. In § 74.1, paragraphs (c) through (f) are revised to read as follows:

**§ 74.1 Services covered by this part.**

(c) *Special broadcast.* (1) Television broadcast translator (Subpart G).

(2) Television broadcast booster (Subpart H).

(d) *Instructional television fixed* (Subpart I).

(e) *Community antenna relay stations* (Subpart J).

(f) *Community antenna television systems* (Subpart K).

66. Section 74.167 is revised to read as follows:

**§ 74.167 Antenna structure, marking and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

67. In § 74.181, paragraph (b) is revised to read as follows:

**§ 74.181 Station records.**

(b) Where an antenna structure(s) is required to be illuminated, see § 17.49 of this chapter.

68. Section 74.267 is revised to read as follows:

**§ 74.267 Antenna structure, marking, and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be

painted or lighted, see §§ 17.47 through 17.53 of this chapter.

69. In § 74.281, paragraph (b) is revised to read as follows:

**§ 74.281 Station records.**

(b) When an antenna structure(s) is required to be illuminated, see § 17.49 of this chapter.

70. Section 74.367 is revised to read as follows:

**§ 74.367 Antenna structure, marking, and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

71. In § 74.381, paragraph (b) is revised to read as follows:

**§ 74.381 Station records.**

(b) Where an antenna structure(s) is required to be illuminated, see § 17.49 of this chapter.

72. Section 74.466 is revised to read as follows:

**§ 74.466 Antenna structure, marking and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

73. In § 74.481, paragraph (b) is revised to read as follows:

**§ 74.481 Station records.**

(b) Where an antenna structure(s) is required to be illuminated, see § 17.49 of this chapter.

74. Section 74.566 is revised to read as follows:

**§ 74.566 Antenna structure, marking and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) required that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

75. In § 74.581, paragraph (b) is revised to read as follows:

**§ 74.581 Station records.**

(b) Where an antenna structure(s) is required to be illuminated, see § 17.49 of this chapter.

76. Section 74.666 is revised to read as follows:

**§ 74.666 Antenna structure, marking and lighting.**

The provisions of Part 17 of this chapter (Construction, Marking, and Lighting of Antenna Structures) require that certain antenna structures be painted and/or lighted in accordance with the provisions of that part. Where the antenna structure of a facility authorized under this subpart is required to be painted or lighted, see §§ 17.47 through 17.53 of this chapter.

77. In § 74.681, paragraph (b) is revised to read as follows:

**§ 74.681 Station logs.**

(b) Where an antenna structure(s) is required to be illuminated, see § 17.49 of this chapter.

78. In § 74.781, paragraph (b) is revised to read as follows:

**§ 74.781 Station records.**

(b) Where an antenna structure is required to be painted or illuminated, see § 17.49 of this chapter.

79. In § 74.881, paragraph (b) is revised to read as follows:

**§ 74.881 Station records.**

(b) Where an antenna structure is required to be illuminated, see § 17.49 of this chapter.

80. In the title to Subpart I of Part 74, substitute the word "Service" for "Stations".

81. In § 74.931, paragraph (d) is revised to read as follows:

**§ 74.931 Purpose and permissible service.**

(d) Stations may be licensed in this service for operation as relay stations to interconnect instructional television fixed station systems in adjacent areas, to deliver instructional and cultural material to and obtain such material from, commercial and noncommercial educational television broadcast stations for use on the instructional television fixed system, and to deliver instructional and cultural material to, and obtain such material from, nearby terminals or connection points of closed circuit educational television systems employing wired distribution systems or radio facilities authorized under other parts of this chapter.

82. In § 74.981, paragraph (a) (5) is revised to read as follows:

**§ 74.981 Logs.**

(a) \* \* \*

(5) Where an antenna structure is required to have aeronautical hazard markings, the information required by § 17.49 of this chapter.

[F.R. Doc. 68-12613; Filed, Oct. 16, 1968; 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

#### Sand Lake National Wildlife Refuge, S. Dak.

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

**§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.**

**SOUTH DAKOTA**

**SAND LAKE NATIONAL WILDLIFE REFUGE**

Public hunting of pheasants on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 9 through December 15, both dates inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles and hunt on foot.

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 15, 1968.

LYLE J. SCHOONOVER,  
Refuge Manager, Sand Lake  
National Wildlife Refuge.

OCTOBER 9, 1968.

[F.R. Doc. 68-12620; Filed, Oct. 16, 1968; 8:48 a.m.]

#### PART 32—HUNTING

#### Sand Lake National Wildlife Refuge, S. Dak.

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

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

**SOUTH DAKOTA**

**SAND LAKE NATIONAL WILDLIFE REFUGE**

Public hunting of big game on the Sand Lake National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This open area comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Archery season—December 9 through December 31, 1968, both dates inclusive.

(2) Firearms season—November 30 through December 8, 1968, both dates inclusive.

(3) All hunters must exhibit their hunting license, deer tag and vehicle contents to Federal and State Officers upon request.

(4) Hunters will not be allowed to drive on refuge maintained trails but may park their vehicles and hunt on foot.

(5) All deer taken on the refuge not checked by State or Federal Officers in the field must be checked at refuge headquarters.

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 31, 1968.

LYLE J. SCHOONOVER,  
Refuge Manager, Sand Lake  
National Wildlife Refuge.

OCTOBER 9, 1968.

[F.R. Doc. 68-12621; Filed, Oct. 16, 1968; 8:48 a.m.]

#### PART 32—HUNTING

#### Yazoo National Wildlife Refuge, Miss.

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER.

**§ 32.32 Special regulations governing the hunting of big game on national wildlife refuges.**

Public hunting of deer on the Yazoo National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. This open area, comprising approximately 6,000 acres is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all State regulations governing the hunting of deer subject to the following special conditions:

(1) Open Season—October 26–November 2, and November 5–November 9, Sundays excluded.

(2) Bag Limit—One deer of either sex during each hunt. Maximum two deer per season.

(3) Archery Hunt—Crossbows prohibited. No firearms permitted on the refuge during this hunt.

(4) Successful hunters must check their deer out at the refuge checking station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 9, 1968.

C. EDWARD CARLSON,  
*Regional Director, Bureau of  
Sport Fisheries and Wildlife.*

OCTOBER 10, 1968.

[F.R. Doc. 68-12588; Filed, Oct. 16, 1968;  
8:46 a.m.]

**PART 32—HUNTING**

**William L. Finley National Wildlife  
Refuge, Oreg.; Correction**

In F.R. Doc. 68-11970, appearing on page 14781 of the issue for Thursday, October 3, 1968, the following three special conditions apply to the William L. Finley National Wildlife Refuge only:

(1) Public hunting will be permitted on Wednesdays, Saturdays, and Sundays from December 4, 1968, through January 12, 1969. Hunting will be permitted from opening shooting time each day until 12 noon.

(2) A Federal permit is required to enter the public hunting area. Permits will be issued on a reservation basis. Applications for advance reservations will be accepted between October 15 and October 31, 1968, by mail only. Hunters will be allowed only one permit. Permits are nontransferable. Hunters must check in and out of the hunting area through the manned check station.

(3) Hunters must shoot from blind sites only. Blind assignments will be drawn at the check station.

JOHN D. FINDLAY,  
*Regional Director, Bureau of  
Sport Fisheries and Wildlife.*

OCTOBER 10, 1968.

[F.R. Doc. 68-12589; Filed, Oct. 16, 1968;  
8:46 a.m.]

**PART 32—HUNTING**

**Columbia National Wildlife Refuge,  
Wash.; Correction**

In F.R. Doc. 68-11969, appearing on page 14783 of the issue for Thursday, October 3, 1968, the special condition limiting the hunting of big game to shotguns only is deleted. All other conditions of the regulation remain the same.

JOHN D. FINDLAY,  
*Regional Director, Bureau of  
Sport Fisheries and Wildlife.*

OCTOBER 9, 1968.

[F.R. Doc. 68-12590; Filed, Oct. 16, 1968;  
8:46 a.m.]

**PART 33—SPORT FISHING**

**Crescent Lake National Wildlife Ref-  
uge and North Platte National  
Wildlife Refuge, Nebr.**

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

§ 33.5 Special regulations; sport fish-  
ing; for individual wildlife refuge  
areas.

**NEBRASKA**

**CRESCENT LAKE NATIONAL WILDLIFE REFUGE**

Sport fishing on the Crescent Lake National Wildlife Refuge, Nebr., is permitted on Crane and Island Lakes only on the areas designated by signs as open to fishing. These open areas comprising about 1,040 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and

Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1969, inclusive.

(2) Boats propelled with poles, oars, or paddles only may be used for fishing.

(3) No person shall use minnows, fish, or parts thereof, for bait, nor have in possession any minnows or seine or net for capturing minnows.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1969.

**NORTH PLATTE NATIONAL WILDLIFE REFUGE**

Sport fishing on the North Platte National Wildlife Refuge, Nebr., is permitted only on the areas designated by signs as open to fishing. This open area, comprising 3,300 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through September 30, 1969, inclusive.

(2) Boats, motorboats, and other floating craft may be used.

The provisions of this special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1969.

DON R. PERKUCHIN,  
*Refuge Manager.*

OCTOBER 10, 1968.

[F.R. Doc. 68-12637; Filed, Oct. 16, 1968;  
8:50 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### [ 31 CFR Part 209 ]

[Department Circular No. 1076, Revised]

### PAYMENTS TO FINANCIAL ORGANIZATIONS FOR CREDIT TO ACCOUNTS OF EMPLOYEES

#### Notice of Proposed Rule Making

Notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the adoption of regulations, pursuant to section 3620 of the Revised Statutes, as amended (31 U.S.C. 492), as further amended by Public Law 90-365 (82 Stat. 274), to govern payments to financial organizations for credit to accounts of employees.

The regulations proposed for adoption would constitute a revision of Part 209, of Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations, and would read as follows:

#### PART 209—PAYMENTS TO FINANCIAL ORGANIZATIONS FOR CREDIT TO ACCOUNTS OF EMPLOYEES

Sec.	
209.1	Scope of regulations.
209.2	Definitions.
209.3	Allotments of pay for savings accounts.
209.4	Payments of net pay to employees by remittance to financial organizations.
209.5	Identification of financial organization office to receive remittances for allotments of pay.
209.6	Depositor account numbers.
209.7	Service charge.
209.8	Financial organization as agent.
209.9	Acquittance to the United States.
209.10	Financial organization not Government depository.
209.11	Procedural instructions.

**AUTHORITY:** The provisions of this Part 209 issued under R.S. 3620, as amended by Public Law 90-365; 82 Stat. 274; 31 U.S.C. 492.

#### § 209.1 Scope of regulations.

(a) The regulations in this part extend to Federal employees the option of having recurring payroll deductions for savings in specified amounts, to be remitted regularly to financial organizations of their choice for credit to their savings accounts, in addition to the prior option of having the full amount of net pay due remitted regularly to financial organizations of their choice for credit to their accounts.

(b) The regulations in this part do not supersede regulations issued under subchapter III of chapter 55 of title 5 of the United States Code, concerning allotments of pay for certain employees.

#### § 209.2 Definitions.

As used in the regulations in this part:

(a) "Agency" means any department, agency, independent establishment, board, office, commission, or other establishment in the executive, legislative (except the Senate and House of Representatives), or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia;

(b) "Financial organization" means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union;

(c) "Employee" means a civilian employee of an agency;

(d) "Allotment of pay for a savings account" means an authorization from an employee for a recurring payroll deduction from salary or wages due, in a specified dollar amount, to be remitted to a financial organization of his choice, for credit to his savings account;

(e) "Savings account" means an account (single or joint) for the purchase of shares (other than shares of stock) or for the deposit of savings in any financial organization, the title of which account includes the name of the authorizing employee;

(f) "Net pay" means the amount of salaries or wages remaining due after all payroll deductions for allotments of pay for savings accounts and all other payroll deductions.

#### § 209.3 Allotments of pay for savings accounts.

(a) Any employee whose place of employment is within the United States may authorize an allotment of pay for a savings account under these regulations, provided that (1) not more than two such allotments shall be in effect at any time; and (2) allotments of pay are not otherwise available to the employee under the regulations referred to in paragraph (b) of § 209.1.

(b) The head of an agency shall effectuate such allotments of pay for savings accounts only:

(1) If the employee provides the agency with a written request (on a form promulgated by the Treasury or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization and such financial organization, by endorsement thereon, states its willingness to act in this respect as agent of the employee and to accept, as its expense, the service charge specified in accordance with § 209.7 which is to be deducted from the aggregate total of the allotments remitted;

(2) If the allotment is a fixed amount, in round dollars (no cents), to be deducted in each successive payroll (until

canceled by the employee, in writing, or otherwise terminated);

(3) If not more than two such allotments for any employee shall be in effect at any time; and

(4) To the extent that the amount of salary or wages becoming due an employee for any pay period thereafter is sufficient to cover (i) in the case of a single allotment, the full amount thereof, or (ii) in the case of two allotments, the aggregate amount of both. In making any determinations under this subparagraph, all payroll deductions otherwise required shall have priority over those authorized by this section.

(c) Agencies shall schedule payroll deductions for savings accounts in a manner consistent with generally established practices for other voluntary allotments of pay which require that, for each payroll, all deductions for employees in favor of the same allottee be aggregated, so that the aggregate amount, less the applicable service charge, will be remitted to each allottee. Hence, the agency's payroll system shall produce, for the use of the servicing disbursing office, a separate record pertaining to each individual financial organization remittance point, which as a minimum states:

(1) Name and location of agency payroll office and the pay date;

(2) Name and address (including ZIP code) of the financial organization, along with the complete account number (including branch office suffix, if applicable) which, in accordance with § 209.5, identifies the particular office of the financial organization which is to receive the remittance;

(3) Name of employee for each payroll deduction in favor of the financial organization cited in item (2) and the dollar amount of each, along with the complete depositor account number which, in accordance with § 209.6, identifies the savings account to be credited;

(4) Aggregate total of the dollar amounts listed;

(5) Amount of service charge applicable to the entire record, as a deduction, in accordance with § 209.7; and

(6) Net total amount.

(d) The disbursing officer, as authorized by the agency, shall draw a check for the net total amount in favor of each financial organization stated. Each such check shall be assembled with the original of the supporting record of payments and mailed as soon as practicable, but not later than the second business day following the pay day.

#### § 209.4 Payments of net pay to employees by remittance to financial organizations.

(a) Any employee may request that the full amount of net pay due him, in lieu of being paid by check drawn to his

order, be paid to him regularly by check drawn in favor of a financial organization of his choice, for credit to his account.

(b) The head of an agency shall authorize the appropriate disbursing officer to pay an employee by sending to the financial organization designated by that employee a check that is drawn in favor of that organization and for credit to the account of that employee. This procedure shall be used only:

(1) If the employee provides the agency with a written request (on a form promulgated by the Treasury or such agency-adapted form as may be approved by the Treasury for the purpose) which designates the financial organization and such financial organization, by endorsement thereon, states its willingness to act in this respect as agent of such employee;

(2) For the full amount of net pay becoming due on successive payrolls (until the request is canceled by the employee in writing); and

(3) For payments for credit to any account (single or joint) designated by the employee, the title of which includes the name of the employee as stated on the check.

(c) Whenever, under the procedure set out in paragraph (b) of this section, payments may be made by an agency on the same regularly recurring dates to two or more employees who designate the same financial organization, the head of the agency may, with the approval specified in paragraph (d) of this section or upon the determination specified in paragraph (e) of this section, as the case may be, authorize the appropriate disbursing officer to draw the check for the total amount in favor of that organization for credit to the accounts of the several employees.

(d) An agency serviced by Treasury regional disbursing offices desiring to use the procedure set out in paragraph (c) of this section may, after consultation with the Bureau of Accounts regarding its requirements, submit through that Bureau a request for approval by the Fiscal Assistant Secretary of the Treasury. The request shall be accompanied by findings as to the effect of the procedure on the agency's costs. The approval of the Fiscal Assistant Secretary will be contingent on his determining that economy will result, considering the effect of the procedure on Government-wide costs for each application.

(e) An agency which does its own disbursing or disburses by delegation from the Treasury may use the procedure set out in paragraph (c) of this section if the head of the agency makes a determination that, in accordance with standards prescribed in regulations of the agency concurred in by the Fiscal Assistant Secretary of the Treasury, economy will result. Agency regulations shall provide for taking Government-wide costs into account for each application of the procedure, including costs of the agency's internal operations and other Government costs determined by the Treasury.

(f) An agency which uses the procedure set out in paragraph (c) of this section shall supply to the disbursing office, or arrange to have the disbursing office prepare, for forwarding to each financial organization with each check, a record which as a minimum states the name and location of the agency payroll office; the name and address of the financial organization office to receive the check; the name and amount for each account to be credited; and the date and aggregate amount to be covered by the composite check.

#### § 209.5 Identification of financial organization office to receive remittances for allotments of pay.

(a) Except as authorized in accordance with paragraph (b) of this section, remittances covering allotments of pay for savings accounts in behalf of all employees designating the same financial organization shall be forwarded uniformly to a single office of such financial organization notwithstanding the fact that the employees may otherwise make deposits to their accounts at different branch offices of such financial organization. In executing the form required pursuant to § 209.3, each employee will be expected to ascertain from the financial organization the address of its single office which is to receive remittances. In any event, the financial organization, in executing the form, shall:

(1) Review the address inserted and, if necessary, correct it to conform with the requirements of this section;

(2) Insert, in the space provided, the "employer identification number" assigned to it by the Internal Revenue Service, Department of the Treasury. Such account numbers, which are susceptible of universal application in identifying each individual financial organization as a whole, will be used in agency payroll systems to facilitate the assembly of all of its payroll deductions applicable to the same financial organization; and

(3) Identify the block specified on the form which indicates conformance with the requirement for a single remittance point in the financial organization.

(b) A financial organization which maintains its savings accounts at branch offices only and which cannot comply with the requirements of paragraph (a) of this section, on the basis that its own internal transmission of deposit credits from a single remittance point to its respective branch offices is impracticable, may certify to that effect by identifying the block provided for this purpose on the form required by § 209.3. Such certification shall serve to waive the requirements of paragraph (a) of this section on the basis that the financial organization cannot otherwise agree to accept remittances for credit to accounts of employees designating such financial organization. Such financial organization shall:

(1) Establish a standardized series of numeric codes consisting of three digits (001 through 999) to be used uniformly in identifying each of its branch offices required to receive remittances;

(2) Insert, in the space provided on the form, its "employer identification number" and, as a parenthetical suffix, its three-digit code identifying the applicable branch office consistent with the address of that office as shown on the form; and

(3) Make such inter-office adjustments of deposit credits as may become necessary in the event a remittance to one branch office includes credit for a particular savings account at a different branch office, whether by reason of an inconsistency in the initial designation of the branch office on the form or otherwise.

#### § 209.6 Depositor account numbers.

Based on the forms submitted by employees pursuant to §§ 209.3 and 209.4, agencies shall use depositor account numbers supplied by the financial organization as an identification of the account to be credited, in addition to the name of the employee. Records mailed with checks issued pursuant to § 209.3 and paragraph (f) of § 209.4, and individual checks issued pursuant to paragraph (b) of § 209.4, shall be so identified. The United States shall not assume responsibility for the correctness of such account numbers and the name of the employee to whom payment is to be made will govern the crediting of the account.

#### § 209.7 Service charge.

The Government's cost in the administration of the system established by § 209.3 shall be recovered by each agency on the basis of standard (Government-wide) rates established in the regulations in this part. The total service charge applicable to a remittance to a financial organization, derived by application of the standard rates, shall be automatically collected from the financial organization by deduction from the total amount to be remitted, as set out in paragraph (c) of § 209.3.

(a) Subject to revision from time to time on the basis of studies of Government-wide costs incurred, the standard rates (based initially on estimates gathered from agencies) shall be:

(1) Six (6) cents for each payroll deduction stated on the record which is to accompany the aggregate remittance (for all administrative and payroll costs in the agency); plus

(2) Twelve (12) cents for each remittance, as a single charge for the entire record accompanying the remittance, regardless of the number of payroll deductions listed (for all check preparation and mail preparation costs in the disbursing office, including postage).

(b) In accordance with the provisions of section 501 of the Act of August 31, 1951, 65 Stat. 290, 31 U.S.C. 483a, the total service charge collected pursuant to this section shall be covered into the Treasury as miscellaneous receipts unless the agency has statutory authority otherwise to dispose of the credit.

#### § 209.8 Financial organization as agent.

A financial organization which receives checks under the procedure set

## PROPOSED RULE MAKING

out in §§ 209.3 and 209.4 does so in each case as the agent of the employee who has designated the financial organization to receive the check and credit his account. The death of that employee revokes the authority of the financial organization to credit the amount to the account of that employee. In the case of a check covering a payment to one employee, the proceeds of which cannot be credited to the account because of death or any other reason, the financial organization shall promptly return the check to the issuing disbursing officer or remit its own check in an equal amount, with a statement in either case identifying the reason therefor and the employee. In the case of a check covering payment to more than one employee, a portion of which cannot be credited to an account because of death or for any other reason, the financial organization shall promptly remit to the agency responsible for making payment a check in an amount equal to that portion which could not be properly credited to the account, with a statement identifying the employee and the reason for refund.

### § 209.9 Acquittance to the United States.

Payment by the United States of a check drawn in favor of and properly endorsed by the financial organization designated by an employee to whom payment is to be made shall, if the check or the accompanying document properly specifies that employee's name, constitute a full acquittance to the United States for the amount of such payment.

### § 209.10 Financial organization not Government depository.

A financial organization to which a check is drawn under the procedure set out in §§ 209.3 and 209.4 does not thereby become a Government depository and shall not advertise itself as one because of that fact.

### § 209.11 Procedural instructions.

Procedural instructions for the guidance of agencies in the implementation of the regulations in this part, as needed, will be issued by the Commissioner of Accounts, including promulgation of applicable forms.

NOTE: The form presently in use to request remittance of the full amount of net pay to a financial organization (Standard Form No. 1189) will be continued, for the purpose of having such net pay credited regularly to an employee's account in a financial organization. The initial design of a new form to be used to request an allotment of pay for credit to a savings account in a financial organization, which form is not an official part of these regulations, is set forth below at this time for general information purposes as to general content.

This notice of proposed rule making has been preceded by consultation with Federal Agencies and with associations in Washington, D.C., which represent the

various classes of financial organizations, including American Bankers Association; Independent Bankers Association of America; National Association of Mutual Savings Banks; U.S. Savings and Loan League; National League of Insured Savings Associations; and CUNA, International, Inc. Prior to adoption of the proposed regulations and the promulgation of the proposed form, set forth below, consideration will be given to written data, views, or arguments which are submitted in writing to the Commissioner of Accounts, Department of the Treasury, Washington, D.C. 20226, and received not

later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER. It is suggested that any individual financial organization which desires to make such a submission transmit it directly to the above-named association with which it is affiliated, for that association's continuing consultation with the Commissioner of Accounts with a view to a coordinated and expeditious conclusion of this matter.

Dated: October 10, 1968.

[SEAL]

JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

STANDARD FORM NO. 1198  
November 1968  
The Department of the Treasury  
Bureau of Accounts  
Part III, Treasury Form

## APPENDIX

### REQUEST BY EMPLOYEE FOR ALLOTMENT OF PAY FOR CREDIT TO SAVINGS ACCOUNT WITH A FINANCIAL ORGANIZATION (TO BE SUBMITTED BY EMPLOYEE TO EMPLOYING AGENCY)

TO BE INITIATED BY EMPLOYEE (IN TRIPLICATE) AND COMPLETED BY THE FINANCIAL ORGANIZATION	
(1) NAME OF EMPLOYEE (AS STATED ON PAYROLL)	(2) SOCIAL SECURITY NUMBER (OR OTHER EMPLOYEE NUMBER USED BY AGENCY)
(3) HOME ADDRESS	
(4) AGENCY (INCLUDE ALSO BUREAU, DIVISION, BRANCH OR OTHER DESIGNATION OF EMPLOYING ORGANIZATION)	
TO:	
You are hereby authorized and requested, in accordance with 31 CFR Part 209, subject to all the conditions stated on this document, to deduct from salaries or wages due me the amount specified below for remittance to the financial organization designated below, for credit to my savings account, beginning with the next full pay period and continuing until canceled by me in writing.	
(5) FINANCIAL ORGANIZATION, DESIGNATED (TO RECEIVE REMITTANCE)	
(5A) NAME	(5B) IDENTIFICATION NUMBER
(5C) ADDRESS	(6) EMPLOYEE'S ACCOUNT NUMBER IN THE FINANCIAL ORGANIZATION
CITY STATE ZIP CODE	
(7) SIGNATURE OF EMPLOYEE AND DATE SUBMITTED TO AGENCY	(8) AMOUNT OF ALLOTMENT
	\$ .00

TO BE COMPLETED BY FINANCIAL ORGANIZATION (for return of original and copy to employee and retention of a copy)	
We, the above-designated financial organization, hereby agree to act as agent of the above-named Government employee in the capacity indicated and to accept, as our expense, such service charge, at the rate established in regulations of The Department of the Treasury, as will be deducted from the amount remitted to us. Our complete account number for the savings account to be credited is inserted in Block No. (6), so as to be included on records accompanying remittances.	
THE FINANCIAL ORGANIZATION WILL CHECK WHICHEVER OF THE FOLLOWING PROVISIONS IS APPLICABLE:	
<input type="checkbox"/>	The address in Block No. (5c) is the single point in this financial organization which is to receive remittances for all allotments of pay of Government employees designating this financial organization. Our "employer identification number" is inserted in Block No. (5b).
<input type="checkbox"/>	We can agree to act as agent of the above-named person in the capacity indicated only if remittances are forwarded to our respective branch offices where the savings accounts are maintained. The related branch office for this allotment of pay is identified by the parenthetical suffix inserted with our "employer identification number" in Block No. (5b), coordinate with the address shown in Block No. (5c).
AUTHORIZED SIGNATURE	TITLE
	DATE

FOR SPECIAL ATTENTION OF EMPLOYEE (AND FOR INFORMATION OF THE FINANCIAL ORGANIZATION)
Agency payroll offices and disbursing offices operate within rigid time schedules to assure timely delivery of checks for net pay on the established pay day -- and there will be no change in this emphasis. As requested above, the amount allotted will be deducted from your salaries or wages and will be remitted by the disbursing office, as soon as practicable, to the designated financial organization. It should be understood that such remittance may be received in the financial organization later than the regular pay day -- possibly three or four business days later.

This initial form is made available with these regulations for general information purposes as to general content. It will be promulgated, apart from these regulations, for use by Government agencies and their employees with authority for agency adaptation.

[F.R. Doc. 68-12565; Filed, Oct. 16, 1968; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[ 25 CFR Part 151 ]

GENERAL GRAZING REGULATIONS

Notice of Proposed Rule Making

OCTOBER 10, 1968.

*Basis and purpose.* This notice is published in the exercise of rule making authority (hereinafter referred to) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), and by section 6 of the Act of June 18, 1934 (48 Stat. 986), notice is hereby given that it is proposed to revise Part 151, Subchapter N, Chapter I, Title 25, of the Code of Federal Regulations, as set forth below. The purpose of the revision is to redefine and to clarify the exercise of the Indian's and Secretary's authorities and responsibilities relative to the grazing use of tribally and individually Indian owned rangelands. The objectives are maximum Indian participation in determining the manner of use of Indian grazing resources; achievement of the fullest economic improvement and return attainable; and application of measures necessary to assure full rangeland utilization while affording protection against deterioration and waste of the resource.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision and amendments to the Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 151 is revised to read as follows:

PART 151—GENERAL GRAZING REGULATIONS

- Sec. 151.1 Definitions.
- 151.2 General authority.
- 151.3 Objectives.
- 151.4 Regulations; scope; exceptions.
- 151.5 Establishment of range units.
- 151.6 Grazing capacity.
- 151.7 Grazing on range units authorized by permit.
- 151.8 Grazing exempt from permit.
- 151.9 Authority of the Superintendent to include land in grazing permits.
- 151.10 Allocation of grazing privileges.
- 151.11 Competitive and negotiated sale of grazing privileges.
- 151.12 Kind of livestock.
- 151.13 Establishment of grazing fees.
- 151.14 Duration of grazing permits.
- 151.15 Assignment, modification, and cancellation of permits.
- 151.16 Conservation and land use provisions.
- 151.17 Range improvements; ownership.
- 151.18 Payment of tribal fees and taxes.
- 151.19 Special permit requirements and provisions.
- 151.20 Bonding and insurance requirements.
- 151.21 Payment of annual grazing fees.

- Sec. 151.22 Payment of preparation fees.
- 151.23 On-and-off grazing privileges.
- 151.24 Trespass.
- 151.25 Control of livestock diseases.

§ 151.1 Definitions.

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Area Director" means the Director of any established Area of the Bureau of Indian Affairs.

(d) "Superintendent" means the Superintendent of any Indian Agency of the Bureau of Indian Affairs.

(e) "Individually owned land" means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to Federal restrictions against alienation or encumbrance.

(f) "Tribal land" means land or any interest therein held by the United States in trust for a tribe, band, community, group or pueblo of Indians, and land that is held by a tribe, band, community, group or pueblo of Indians subject to Federal restrictions against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes when it is not immediately needed for such purposes. The term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. § 476). This term also includes assignments of tribal land. Unless the terms of the assignment provide for the leasing of the land by the holder of the assignment, the tribe must join with the assignee to issue a grazing permit.

(g) "Government land" means land, other than tribal land, acquired or reserved by the United States for Indian Bureau administrative purposes which is not immediately needed for the purposes for which it was acquired or reserved and land transferred to or placed under the jurisdiction of the Bureau of Indian Affairs.

(h) "Range unit" means a tract of range land designated as a management unit for administration of grazing. A range unit may consist of tribal, individually owned or Government land or any combination thereof consolidated for grazing administration.

(i) "Permit" means a revocable privilege granted in writing limited to entering on and utilizing forage by domestic livestock on a specified tract of land.

(j) "Adult tribal member," for the purposes of this part, means a member of an Indian tribe, band, community, pueblo or group, who has attained the age of 21 years.

(k) "Governing body" means the general council or the tribal committee, board, or other body recognized by the Secretary as having the authority to act for the tribe, band, community, pueblo or group of Indians.

(l) "Immediate family" means the spouse, brothers, sisters, lineal ancestors

and descendants of an adult tribal member.

(m) "Allocation" means the apportionment of grazing privileges without competitive bidding including the determination of who may graze livestock, the number and kind of livestock, and the place such livestock will be grazed.

(n) "Assignment" means tribal land, the use of which has been transferred by the tribal governing body to a tribal member for his use and benefit, usually for a specified period of time.

§ 151.2 General authority.

It is within the authority of the Secretary to protect individually owned and tribal lands against waste and to prescribe rules and regulations under which these lands may be leased or permitted for grazing. Improper use which threatens destruction of the range and soil resource is properly considered waste. With respect to reservations upon which the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), is applicable, the action of the Secretary must follow the directions in Section 6 of that Act which are: "The Secretary of the Interior is directed to make rules and regulations for the operation and maintenance of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes." It is also the Secretary's responsibility to improve the economic well being of the Indian people through proper and efficient resource use.

§ 151.3 Objectives.

It is the purpose of the regulations of this part to:

(a) Preserve, through proper grazing management, the land, water, forest, forage, wildlife, and recreational values on the reservations and improve and build up these resources where they have deteriorated.

(b) Promote use of the range resource by Indians to enable them to earn a living, in whole or in part, through the grazing of their own livestock.

(c) Balance the rights and equities of the individual landowners and tribal programs through the granting of grazing privileges in a manner which will yield a fair return to landowners consistent with sustained yield management.

§ 151.4 Regulations; scope; exceptions.

The grazing regulations of this part apply to individually owned, tribal, and Government lands under the jurisdiction of the Bureau of Indian Affairs, except as superseded by special written instructions from the Commissioner in particular instances, or by provisions of any tribal constitution, bylaws, or charter, heretofore duly ratified or approved, or by any tribal action authorized thereunder. All forms necessary to carry out the purpose of the regulations of this

part shall be approved by the Commissioner. Grazing lands not in range units established under this part may be leased pursuant to Part 131 of this chapter.

#### § 151.5 Establishment of range units.

The conservation, development, and effective utilization of the range resource requires consolidation of small individual and tribal ownerships and the organization of the total range area into management units. The Area Director shall establish range units after consultation with the Indians and consideration of the land status, Indian needs, and land use problems involved, and adjust such units as needed. Any contiguous block of Indian rangeland in excess of 2,560 acres shall be designated as one or more range units. Range units smaller than 2,560 acres may be established at the discretion of the Area Director.

#### § 151.6 Grazing capacity.

The Area Director shall prescribe the maximum number of livestock which may be grazed on each range unit and the season, or seasons, of use to achieve the objectives cited in § 151.3. Grazing capacity will include big game requirements. Stocking rates shall be reviewed on a continuing basis and adjusted as conditions warrant.

#### § 151.7 Grazing on range units authorized by permit.

All grazing use of range units shall be authorized by a grazing permit except Indians' use of their own land pursuant to § 151.8. The Superintendent shall issue all permits on range units composed of individually owned lands or composed of intermixed tribal and individually owned lands. Permits on range units composed entirely of tribal land may be issued by the governing body, subject to approval by the Superintendent, or by the Superintendent pursuant to § 151.9(b).

#### § 151.8 Grazing exempt from permit.

Adult tribal members may, without approval of the Superintendent, graze livestock on their own individually owned grazing land or other grazing land for which they are responsible on behalf of those non compos mentis, on behalf of their minor children and on behalf of minor children or others to whom they stand in loco parentis when such children do not have a legal representative. The term "graze livestock" means the grazing of livestock which are either owned by those persons defined above, or if not owned, are under their direct management and supervision. Grazing of livestock under any other arrangement requires approval of the Superintendent.

#### § 151.9 Authority of the Superintendent to include land in grazing permits.

(a) The Superintendent may include individually owned land in grazing permits on behalf of: (1) Persons who are non compos mentis; (2) Undetermined heirs or devisees of a deceased Indian owner; (3) Adults whose whereabouts

are unknown; (4) Heirs or devisees, none of whom are using the land and who have not been able to agree upon the permitting of their land during a 3-month period, and after notice from the Superintendent given by posting a general notice in all Post Offices on the reservation and with the tribal governing body; (5) Those Indian owners defined in § 151.8 who give the Superintendent written authority to grant grazing privileges; and (6) The guardian, conservator, or other fiduciary, appointed by a State court or by a tribal court operating under an approved constitution or law and order code, of a minor or persons who is non compos mentis or otherwise under legal disability, who gives the Superintendent written authority to grant privileges.

(b) The Superintendent may include tribal land in grazing permits on behalf of governing bodies who give written authority. When timely action is not taken by the governing body to give the Superintendent written authority, or to issue permits pursuant to § 151.10, the Superintendent may proceed to issue permits on tribal land subject to veto of the governing body. The Superintendent shall notify the governing body in writing of the action he proposes to take and allow a 60-day period during which the tribal veto may be exercised. If the tribal veto is exercised and the Area Director determines that resource waste or unreasonable economic loss will result to the tribe or its members, he may present the question to the tribal membership in a referendum vote.

(c) The Superintendent may include Government land in grazing permits provided such land is not already under revocable permit to the tribe, in which case, paragraph (b) of this section applies.

#### § 151.10 Allocation of grazing privileges.

The Superintendent may authorize the allocation of grazing privileges without competitive bidding to adult tribal members, Indian corporations, and Indian associations. The eligibility requirements for allocations shall be prescribed by the governing body, subject to approval of the Area Director. Where timely action is not taken by the governing body to prescribe satisfactory requirements, the Area Director shall notify it in writing that it has a 60-day period during which it may present requirements. The Area Director shall prescribe the eligibility requirements after expiration of the 60-day period in the event satisfactory action is not taken by the governing body.

#### § 151.11 Competitive and negotiated sale of grazing privileges.

(a) Except as otherwise provided, the Superintendent shall subject to competitive public sale grazing privileges not scheduled for allocation. Advertisements for public sale shall call for sealed bids and may provide for subsequent oral auction at the discretion of the Area Director, who shall approve all advertisements prior to publication. The privilege of meeting high bids of non-Indians shall

be limited to adult tribal members as determined by the governing body and approved by the Area Director.

(b) The Area Director may authorize the Superintendent to issue grazing permits by negotiation when in the discretion of the Area Director no useful purpose would be served by advertisement.

(c) Subject to the approval of the Superintendent, governing bodies may negotiate for the sale of grazing privileges on range units composed entirely of tribal land. Permits shall be limited to the carrying capacity established pursuant to § 151.6.

#### § 151.12 Kind of livestock.

The Area Director shall determine for range units composed of individually owned lands, and for units composed of tribal lands intermixed with individual lands, the kind of livestock, e.g., cattle, sheep, etc., that may be grazed on each unit. Subject to stocking limitations prescribed by the Area Director, tribal governing bodies may determine the kind of livestock that may be grazed on range units composed entirely of tribal land.

#### § 151.13 Establishment of grazing fees.

(a) Except as otherwise provided herein, tribal governing bodies may determine the rate to be charged for all use of tribal lands. Prior to these determinations, the Superintendent shall provide the tribe with all available information including appraisal data concerning the value of the tribal grazing. Indian allocated permittees shall be required to pay not less than the reservation minimum grazing fee established by the Area Director pursuant to paragraph (b) of this section, for all livestock not owned by the permittees which are authorized to graze tribal lands. If the Area Director determines that the rate prescribed by the governing body for the grazing use of tribal lands provides less than a fair return to the tribe, he may present the question to the eligible voters of the tribe in a referendum vote.

(b) The Area Director shall establish a reservation minimum acceptable grazing fee for grazing privileges on individually owned lands, and for tribal lands when the governing body fails to establish a rate pursuant to paragraph (a) of this section. Except as otherwise provided in paragraph (c) of this section, the rate established shall provide a fair annual return to the landowners.

(c) Adult tribal members, in giving the Superintendent written authority to grant grazing privileges on their individually owned land, may stipulate a minimum rate above the reservation minimum set by the Area Director if justified because of above average value. They may also stipulate a lower rate than the reservation minimum, subject to approval of the Superintendent when the permittee is a member of the landowner's immediate family.

#### § 151.14 Duration of grazing permits.

(a) The Area Director shall determine the duration of grazing permits on range units composed of individually owned land or intermixed individual land and

tribal land, subject to a maximum period of 5 years except when substantial development or improvement is required, in which case the maximum period is 10 years.

(b) Tribal governing bodies may, subject to the same limitations set forth in paragraph (a) of this section, determine the duration of grazing permits on range units composed entirely of tribal land.

(c) Permits for a period in excess of 5 years shall provide for review of the grazing fees by the Superintendent at the end of the first 5 years for adjustment as necessary.

**§ 151.15 Assignment, modification, and cancellation of permits.**

(a) Grazing permits shall not be assigned, subpermitted, or transferred without the consent of the contracting parties, including the surety, and the approval of the Superintendent.

(b) The Superintendent may modify or cancel a grazing permit on 30 days written notice for violation of the permit or because of termination of trust status of land involved, and on 180 days notice to provide range for allocated Indian use. In the latter case, such modification or cancellation shall be effected only at the end of the annual grazing season and the Indian allottee shall be required to pay not less than the grazing fees paid by the preceding permittee. Modification of permits requiring higher basic rental rates shall not be made without the consent of the permittee and surety.

**§ 151.16 Conservation and land use provisions.**

Grazing operations shall be conducted in accordance with recognized principles of good range management. Stipulations or management plans necessary to accomplish this may be made a part of the grazing permit.

**§ 151.17 Range improvements; ownership.**

Improvements placed on the permitted land shall be considered affixed to the land unless specifically excepted therefrom under the permit terms. Written permission to construct and to remove improvements must be secured from the Superintendent. The permit will specify the maximum time allowed for removal of improvements so excepted.

**§ 151.18 Payment of tribal fees and taxes.**

Fees and taxes exclusive of annual grazing fees, assessed by the tribe in connection with grazing permits and with the approval of the Commissioner or Secretary, shall be billed for by the tribe and paid annually in advance to the designated tribal official. Failure to make payment will subject the grazing permit to cancellation and may disqualify the permittee for future permits.

**§ 151.19 Special permit requirements and provisions.**

(a) All grazing permits shall contain the following provisions:

(1) While the lands covered by the permit are in trust or restricted status, all of the permittee's obligations under the permit and the obligation of his

sureties are to the United States as well as to the owner of the land.

(2) Nothing contained in the permit shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the permit.

(3) The permittee agrees he will not use, cause, or allow to be used any part of the permitted area for any unlawful conduct or purpose.

(4) The permit authorizes the grazing of livestock only and the permittee shall not utilize the permitted area for hay cutting, hunting, post or timber cutting, or any other use without proper authorization from the Superintendent.

**§ 151.20 Bonding and insurance requirements.**

(a) A performance bond satisfactory to the Superintendent may be required in an amount that will reasonably assure performance of the contractual obligations. A bond, when required, may be for the purpose of guarantying the estimated construction cost of any improvement to be placed on the land which will become the property of the landowner or to insure compliance with special or additional contractual obligations.

(b) The permittee may be required to provide insurance in an amount adequate to protect any improvements on the permitted premises; and may also be required to furnish appropriate liability insurance and such other insurance as may be necessary to protect the landowner's interest.

**§ 151.21 Payment of annual grazing fees.**

Annual grazing fees for all grazing permits shall be paid in advance and the date due shall be a provision of the permit. Payment shall be made to the Bureau of Indian Affairs unless otherwise provided by the permit.

**§ 151.22 Payment of preparation fees.**

Permittees shall pay annually in advance the following fee, in addition to the grazing fee, to cover the cost of work performed in the preparation of grazing permits; provided that where all or any part of the expenses of the work are paid from tribal funds an alternate schedule of fees may be approved by the Commissioner:

Annual grazing fee	Preparation fee (percent)
On the first \$500.....	3
On the next \$4,500.....	2
On all above \$5,000.....	1
In no event shall the fee be less than \$2.00 nor exceed \$250.00	

**§ 151.23 On-and-off grazing privileges.**

The permittee may be allowed credit for the carrying capacity of other range lands not covered by the permit, but which are owned or controlled by him and grazed in common with the permitted lands as a part of the range unit. The carrying capacity will be determined by the Superintendent and shown on the grazing permit.

**§ 151.24 Trespass.**

The owner of any livestock grazing in trespass on restricted or trust Indian lands is liable to a penalty of \$1 per head for each animal thereof for each day of trespass, together with the reasonable value of the forage consumed and damages to property injured or destroyed. The Superintendent shall take action to collect all such penalties and damages and seek injunctive relief when appropriate. All payments for such penalties and damages shall be credited to the landowners where the trespass occurs. The following acts are prohibited:

(a) The grazing upon or driving across any individually owned, tribal, or Government lands of any livestock without an approved grazing or crossing permit.

(b) Allowing livestock to drift and graze on restricted or trust Indian lands without an approved permit.

(c) The grazing of livestock upon restricted or trust Indian lands within an area closed to grazing of that class of livestock.

(d) The grazing of livestock by permittee upon an area of restricted or trust Indian lands withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the livestock, after the receipt of notice from the Superintendent of such withdrawal, or refusal to remove livestock upon instructions from the Superintendent when an injury is being done to the Indian lands by reason of improper handling of livestock.

**§ 151.25 Control of livestock diseases.**

Whenever livestock on Indian lands become infected with contagious or infectious diseases, or have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with applicable Federal and State laws and tribal ordinances.

F. M. HAVERLAND,  
Acting Commissioner  
of Indian Affairs.

[F.R. Doc. 68-12591; Filed, Oct. 16, 1968; 8:46 a.m.]

[ 25 CFR Part 255 ]

**USE OF COLUMBIA RIVER INDIAN IN-LIEU FISHING SITES**

**Notice of Proposed Rule Making**

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161 (5 U.S.C. 301) and 463 and 465 (25 U.S.C. 2 and 9) and pursuant to other authorizing acts, it is proposed to amend §§ 255.6 and 255.7 of Part 255, Subchapter W, Chapter I, Title 25, of the Code of Federal Regulations, dealing with the use of Columbia River Indian In-Lieu Fishing Sites. The purpose of this amendment is to remove from the regulations the provision for the construction and maintenance of permanent dwellings or structures on these sites, and thereby restrict the dwelling or structures which may be erected or placed on the sites to portable facilities for temporary use while fishing or related activities are being carried on.

The regulations will then comply with the intention of the language contained in the treaties and in the Act of March 2, 1945 (59 Stat. 22) authorizing the acquisition of the sites.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Commissioner, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Sections 255.6 and 255.7 are amended to read as follows:

**§ 255.6 Structures.**

No dwellings or structures shall be erected, placed, or maintained upon the sites, except that camping facilities may be placed thereon only as herein described and fish drying facilities and fishing platforms may be erected by Indians for use during the fishing season. Facilities for camping on the sites shall be limited to tents, tepees, campers, and mobile trailers. All such tents, tepees, campers, and mobile trailers shall be removed from the sites at any time the owners thereof are not actively engaged in fishing, drying fish, or processing fish by other means. Any structures erected or maintained in violation of this section may be removed, demolished or otherwise disposed of, with or without prior notice, as determined by the Area Director, and the cost of such disposition shall be assessed against the person responsible for the structure. Sites must be used in a manner that conforms to the health, sanitation, and safety requirements of the State or local law, or, in the absence of appropriate State or local laws, to the health, sanitation, and safety recommendations of the U.S. Public Health Service. The privileges or right of access to or use of the sites of any individual may be suspended or withdrawn, in the discretion of the Area Director, when such individual having violated such health, sanitation, and safety requirements repeats such violation after having been given notice to cease and desist therefrom.

**§ 255.7 Liability for condition and use of structures.**

Any private structures including drying sheds, tents, tepees, or fishing platforms erected, placed, or maintained on the sites are the sole responsibility of their owners, and all use of such structures shall be at the user's or owner's sole responsibility and risk. Neither the United States nor any officer or employee thereof warrants, makes any representation, or is responsible for the safety or condition of any such structure.

NEWTON W. EDWARDS,  
Acting Deputy Assistant  
Secretary of the Interior.

OCTOBER 10, 1968.

[F.R. Doc. 68-12592; Filed, Oct. 16, 1968;  
8:46 a.m.]

**DEPARTMENT OF AGRICULTURE**  
Consumer and Marketing Service  
[ 7 CFR Part 68 ]  
**STANDARDS FOR BEANS**

**Extension of Time for Comments and Change in Proposed Effective Date**

On August 2, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 11046) whereby it was proposed that the U.S. Standards for Beans (7 CFR 68.101 et seq.) be revised. All persons desiring to submit written data, views, or arguments on this proposal were requested to file their comments within 45 days after the date of publication in the FEDERAL REGISTER. The proposals, if adopted, were to become effective on or about November 1, 1968.

Several segments of the trade have requested an extension of the time to submit written data, views, or arguments and a later proposed effective date. In view of the requests and under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624), the time for comments is hereby extended to include November 15, 1968, and the effective date of the proposed revision of the U.S. Standards for Beans, if adopted, is hereby changed to August 1, 1969.

All persons desiring to submit written data, views, or recommendations in connection with the proposals may file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 15, 1968. All comments filed will be available for public inspection during official hours of business (7 CFR 1.27(b)).

Done at Washington, D.C., this 11th day of October 1968.

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

[F.R. Doc. 68-12616; Filed, Oct. 16, 1968;  
8:48 a.m.]

[ 7 CFR Part 980 ]

**TOMATOES**

**Notice of Proposed Import Regulation**

Notice is hereby given of proposed size and inspection requirements to be made applicable to the importation of fresh tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would apply the same requirements to be made effective under the Federal marketing order for tomatoes grown in Florida.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Washington, D.C. 20250, so

as to be received not later than October 31, 1968. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

**§ 980.203 Tomato import regulation.**

Except as otherwise provided, during the period November 4, 1968, through July 31, 1969, no person may import fresh tomatoes, except pear shaped and cherry tomatoes as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Size requirement*—(1) *Size*. Imports shall be limited to tomatoes which are larger than  $2\frac{1}{8}$  inches in diameter.

(2) *Tolerance for size*. Not more than 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity exemption*. Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

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

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

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

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

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

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, Tex. 78767 (Phone—512-476-4789).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602, Atwater 7-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, Hawaii 96814 (Phone—941-3071 Ext. 146).	1 day.
New York City.	Edward J. Beller, Room 28A, Hunts Point Market, Bronx, N. Y. 10474 (Phone—212-901-7669 and 7668).	Do.
New Orleans.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504-527-6741 and 6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer Marketing Service, Washington, D.C. 20250 (Phone—202-Dudley 8-5870).	3 days.

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

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

- (i) The date and place of inspection;
- (ii) The name of the shipper, or applicant;
- (iii) The commodity inspected;
- (iv) The quantity of the commodity covered by the certificate;
- (v) The principal identifying marks on the containers;
- (vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
- (vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e-1 of the Agricultural Marketing Agreement Act.

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

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top, and Roma varieties. Measurement of the diameter of tomatoes shall be in accordance with the methods prescribed in the U.S. Standards for Grades of

Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Dated: October 14, 1968.

ARTHUR E. BROWNE,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-12651; Filed, Oct. 16, 1968; 8:51 a.m.]

[ 7 CFR Part 1097 ]

MILK IN MEMPHIS, TENN.,  
MARKETING AREA

Notice of Proposed Termination or Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the termination or suspension of certain provisions of the order regulating the handling of milk in the Memphis, Tenn., marketing area is being considered.

The provisions proposed to be terminated or suspended are § 1097.44(c) and that part of § 1097.44(d) which reads "located not more than 225 miles, by the shortest highway distance as determined by the market administrator, from the City Hall in Memphis, Tennessee." These provisions relate to the mileage limitations on the distance bulk fluid milk products may be transferred or diverted to a nonfluid milk plant for Class II use.

Termination or suspension of these provisions is being considered to facilitate the handling of milk in excess of market needs.

While a temporary suspension of the provisions (October 1968 through February 1969) has been requested by a cooperative association, there is an appropriate basis for considering permanent deletion by termination. Other provisions of the order provide for classification of the milk transferred to nonpool plants based on ascertainment of utilization in the nonpool plant.

Mid-South Milk Producers Division of Milk Producers, Inc., states that the requested action is necessary to facilitate the orderly disposal of cream which is in excess of needs of the market.

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

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

Signed at Washington, D.C., on October 11, 1968.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[F.R. Doc. 68-12617; Filed, Oct. 16, 1968; 8:48 a.m.]

[ 9 CFR Part 311 ]

MEAT INSPECTION REGULATIONS

Extension of Time for Filing Comments on Proposed Amendment Relating to the Disposition of Swine Carcasses With Sexual Odor

On July 25, 1968, there was published (33 F.R. 10577) a proposal to amend the Meat Inspection Regulations under the Federal Meat Inspection Act (34 Stat. 1260, as amended by 81 Stat. 584, 21 U.S.C. 601 et seq.) to change the requirement regarding the disposition of swine carcasses with sexual odor.

The notice provided for interested parties to submit comments concerning the proposed amendment within 60 days after the date of publication in the FEDERAL REGISTER. Requests have been received to provide an additional period for development of data and submission of comments regarding the proposed amendment. Therefore, notice is hereby given to provide for an extension of time for submitting comments. Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 150 days after the date of publication of this notice in the FEDERAL REGISTER. Also written submissions made pursuant to this notice will be made available for public inspection at such time and place and in a manner convenient to public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 14th day of October 1968.

H. M. STEINMETZ,  
Acting Deputy Administrator,  
Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 68-12618; Filed, Oct. 16, 1968; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Parts 141b, 146b ]

CERTAIN ANTIBIOTIC DRUGS

Histamine Test Requirements and Name Change

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 to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Parts 141b and 146b be amended as follows (1) to delete the histamine test requirement for streptomycin sulfate solution, dihydrostreptomycin sulfate solution, and crystalline dihydrostreptomycin sulfate solution since the histamine test on the bulk antibiotic used in their manufacture is deemed sufficient and (2) to change the names of these drugs from solutions to injections in accordance with the U.S.P. Accordingly, it is proposed that Parts 141b and 146b be amended:

1. In § 141b.111 by revising the section heading, paragraph (a), and the introduction of paragraph (b) to read as follows:

**§ 141b.111 Streptomycin sulfate injection; dihydrostreptomycin sulfate injection; crystalline dihydrostreptomycin sulfate injection.**

(a) If it is streptomycin sulfate injection, proceed as directed in §§ 141b.101, 141b.102, 141b.104, 141b.105 (the histamine test may be omitted if it is performed on the streptomycin sulfate used in preparing the injection), and 141b.106 (b) and (c), and for the toxicity test proceed as directed in § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 1.5 milligrams per milliliter.

(b) If it is dihydrostreptomycin sulfate injection or crystalline dihydrostreptomycin sulfate injection, proceed as directed in § 141b.108, except that the histamine test may be omitted if it is performed on the dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate used in preparing the injection, and except that in lieu of the directions in § 141b.108(b) determine the streptomycin content as follows:

2. By revising § 146b.101(d) (1) to read as follows:

**§ 146b.101 Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride (streptomycin calcium chloride complex).**

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of grams in each package, and (unless it was previously submitted) the data on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, histamine content (except that if the batch is packaged for dispensing, the result of this test performed on the streptomycin sulfate used in filling the batch may be submitted instead), moisture, pH, and identity. If such batch or any part thereof is to be

packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

3. In § 146b.106, by revising the section heading and paragraphs (a), (c) (1) (i) (b) and the introduction of (iii), and (d) (1) and (2) (i) to read as follows:

**§ 146b.106 Streptomycin sulfate injection; dihydrostreptomycin sulfate injection (crystalline dihydrostreptomycin sulfate injection).**

(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate injection is an aqueous solution of streptomycin sulfate. Dihydrostreptomycin sulfate injection is an aqueous solution of dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate. Such solution conforms to all standards prescribed by § 146b.101 for streptomycin sulfate or § 146b.103 for dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate, except:

- (1) The limitation on moisture content does not apply.
- (2) Its potency is not less than 250 milligrams per milliliter and not more than 500 milligrams per milliliter, unless it is intended solely for veterinary use and is conspicuously so labeled.
- (3) The histamine test may be omitted if it has been performed on streptomycin sulfate, dihydrostreptomycin sulfate, or crystalline dihydrostreptomycin sulfate used in preparing the solution.
- (4) It contains one or more suitable and harmless preservatives.
- (5) Its pH is not less than 5.0 and not more than 8.0.
- (6) It may contain one or more suitable and harmless buffer substances and stabilizing agents.

(c) \* \* \*

(1) \* \* \*

(i) \* \* \*

(b) If it is dihydrostreptomycin sulfate injection, the statement "Warning—For use only in patients who cannot tolerate streptomycin."

(iii) On the circular or other labeling within or attached to the package, if it is dihydrostreptomycin sulfate injection and it is intended for parenteral use, warnings containing information to the effect that:

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams or grams dissolved in each of such packages, the date on which the latest assay of the drug comprising such batch was completed, and if it is crystalline dihydrostreptomycin sulfate injection, the batch mark and (unless it was previously submitted) the

date on which the latest assay of the crystalline dihydrostreptomycin sulfate used in making such batch was completed.

(2) \* \* \*

(i) The batch; potency, sterility, toxicity, pyrogens, histamine content (except that the result of this test performed on the streptomycin sulfate, dihydrostreptomycin sulfate, or crystalline dihydrostreptomycin sulfate used in making the batch may be submitted instead), pH, and streptomycin content, if it is dihydrostreptomycin sulfate or crystalline dihydrostreptomycin sulfate.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 8, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-12628; Filed, Oct. 16, 1968;  
8:49 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration  
[ 14 CFR Part 71 ]

[Airspace Docket No. 68-80-71]

### CONTROL ZONES AND TRANSITION AREA

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tampa, Fla. (International Airport), St. Petersburg, Fla., and MacDill AFB, Fla., control zones and the Tampa, Fla., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in

order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Tampa, Fla. (International Airport) control zone described in § 71.171 (33 F.R. 2058 and 14403) would be redesignated as:

Within a 5-mile radius of Tampa International Airport (lat. 27°58'30" N., long. 82°31'45" W.); within 2 miles each side of the St. Petersburg VORTAC 064° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC, excluding the portion southeast of a line 2 miles northwest of and parallel to the MacDill AFB ILS localizer northeast course and the portion within the St. Petersburg control zone.

The St. Petersburg, Fla., control zone described in § 71.171 (33 F.R. 2058) would be redesignated as:

Within a 5-mile radius of St. Petersburg-Clearwater International Airport (lat. 27°54'35" N., long. 82°41'12" W.); within 2 miles each side of the St. Petersburg VORTAC 343° radial, extending from the 5-mile radius zone to 10 miles northwest of the VORTAC.

The MacDill AFB, Fla., control zone described in § 71.171 (33 F.R. 2058) would be redesignated as:

Within a 5-mile radius of MacDill AFB (lat. 27°51'00" N., long. 82°30'25" W.); within a 3-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); within 2 miles each side of the MacDill TACAN 216° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN, excluding the portion within the Tampa (International Airport) control zone.

The Tampa, Fla., 700-foot transition area described in § 71.181 (33 F.R. 2137 and 14403) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Tampa International Airport (lat. 27°58'30" N., long. 82°31'45" W.); within an 8-mile radius of St. Petersburg-Clearwater International Airport (lat. 27°54'35" N., long. 82°41'12" W.); within 2 miles each side of the St. Petersburg ILS localizer north course, extending from the 8-mile radius area to 8 miles north of the LOM; within 2 miles each side of the St. Petersburg VORTAC 343° radial, extending from the 8-mile radius area to 11 miles north of the VORTAC; within a 5-mile radius of Albert Whitted Airport (lat. 27°45'50" N., long. 82°37'45" W.); within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); within an 8-mile radius of MacDill AFB (lat. 27°51'00" N., long. 82°30'25" W.); within 2 miles each side of the MacDill ILS localizer northeast course extending from the Peter O. Knight 5-mile radius area to 8 miles north of the LOM.

Since the last alteration of controlled airspace in the Tampa terminal complex, turbojet aircraft have begun uti-

lizing Tampa International Airport, St. Petersburg - Clearwater International Airport, and MacDill AFB. Criteria appropriate to these airports requires an increase in the 700-foot transition area basic radius circles from 7 to 8 miles. Aircraft larger than DC-3 type have begun utilizing Peter O. Knight Airport and appropriate criteria requires an increase in the 700-foot transition area basic radius circle from 4 to 5 miles. Criteria appropriate to St. Petersburg (Albert Whitted Airport) requires the establishment of a 4-mile 700-foot transition area basic radius circle. These increases, along with the alteration of instrument approach procedures and relocations of NAVAIDS, permit the revocation of numerous control zone and transition area extensions, reduction of some extensions, and an increase of two extensions.

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

Issued in East Point, Ga., on October 7, 1968.

JAMES G. ROGERS,  
Director, Southern Region.

[F.R. Doc. 68-12612; Filed, Oct. 16, 1968; 8:48 a.m.]

[ 14 CFR Part 151 ]

[Docket No. 9195; Notice 68-25]

FEDERAL AID TO AIRPORTS

Performance of Construction Work; General Requirements

The Federal Aviation Administration is considering amending § 151.45 and § 151.51(a)(3) of the Federal Aviation Regulations in order to require sponsors to provide, with respect to airport construction work, adequate and competent engineering supervision and inspection.

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 regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before November 18, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Federal Aviation Administration has found that in several instances involving airport construction work the failure on the part of the sponsors to

provide adequate and competent engineering supervision and inspection has resulted in unsatisfactory construction which could not be accepted for Federal participation. It is the obligation of the sponsors to assure adequate and competent engineering supervision and inspection, and to determine the qualifications of personnel performing such supervision and inspection by arranging for a review of their qualifications. Accordingly, it is proposed that § 151.45 be amended by the addition of a new paragraph (f) which would require a sponsor to notify the Area Manager in writing prior to the commencement of construction work by a contractor or subcontractor, or of force account work by the sponsor, that the sponsor has arranged for such adequate and competent engineering supervision and inspection.

Moreover, since § 151.51(a)(3), which deals with force accounts, requires the sponsor to submit assurances that " \* \* \* supervisory, engineering and inspection personnel will be provided \* \* \* ", it is proposed to amend this subparagraph in order to provide a cross-reference to the new paragraph (f) of § 151.45.

In consideration of the foregoing, it is proposed to amend § 151.45 and § 151.51(a)(3) of the Federal Aviation Regulations as follows:

1. By adding a new paragraph (f) to § 151.45:

§ 151.45 Performance of construction work; general requirements.

(f) No sponsor may allow a contractor or subcontractor to begin work, nor may the sponsor begin force account work, until the sponsor has notified the Area Manager in writing that adequate and competent engineering supervision and inspection has been arranged to insure that construction will conform to plans and specifications; and that, after a review of qualifications of personnel who will be performing such supervision and inspection, the sponsor has determined that they are qualified to do so.

2. By amending § 151.51(a)(3) to read as follows:

§ 151.51 Performance of construction work-force accounts.

(a) \* \* \*  
(3) Assurance that adequate labor, material, equipment, engineering personnel, as well as supervisory and inspection personnel as required by § 151.45(f), will be provided; and

(Federal Airport Act, as amended; 49 U.S.C. 1101-1120)

Issued in Washington, D.C., on October 10, 1968.

CLYDE W. PACE, Jr.,  
Acting Director, Airports Service.

[F.R. Doc. 68-12611; Filed, Oct. 16, 1968; 8:48 a.m.]

# Notices

## INTERSTATE COMMERCE COMMISSION

[Notice 1228]

### MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

OCTOBER 11, 1968.

The following applications are governed by special rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in

<sup>1</sup> Copies of special rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 301), filed September 23, 1968. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Richard N. Coledge (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Diatomaceous earth*, in bulk, from Colorado and Clark, Nev., to points in California and Wyoming and (2) *soda ash*, in bulk, from points in Wyoming to Colorado and Clark, Nev. NOTE: Applicant holds a pending contract carrier application under MC 133094, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Reno, Nev.

No. MC 1936 (Sub-No. 32), filed September 30, 1968. Applicant: B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings*, from Sharon, Wheatland, Pittsburgh, and Aliquippa, Pa., to points in Illinois, Indiana, Kentucky, Maryland, New York, New Jersey, Michigan, Ohio, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 2900 (Sub-No. 164), filed September 20, 1968. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32203. Applicant's representative: W. D. Beatenbough (same address as applicant) and Larry D. Knox (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household

goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; (1) between Memphis, Tenn., and Jackson, Miss.; from Jackson over U.S. Highway 51 and Interstate Highway 55 to Memphis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. (Restriction: Restricted against traffic to, from, or interlined at Memphis); (2) between Jackson, Tenn., and Corinth, Miss., over U.S. Highway 45, serving no intermediate points, as an alternate route for operating convenience only; (3) between Nashville, Tenn., and Florence, Ala., from Nashville over U.S. Highway 431 to Franklin, Tenn.; thence over Highway 31, to Columbia, Tenn.; thence over U.S. Highway 43 to Florence, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (4) between Jackson, Miss., and Bolivar, Tenn.; from Jackson over U.S. Highway 51 and Interstate Highway 55 to junction Mississippi Highway 7 and Interstate Highway 55; thence over Mississippi Highway 7 to the Mississippi-Tennessee State line; thence over Tennessee Highway 18 to junction Tennessee Highway 18 and U.S. Highway 45, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (5) between Florence, Ala., and Meridian, Miss.; from Florence, over U.S. Highway 43 to junction U.S. Highway 43 and Alabama Highway 17; thence over Alabama Highway 17 to Vernon, Ala.; thence over Alabama Highway 18 and Mississippi Highway 12 to Columbus, Miss.; thence over U.S. Highway 45 to Meridian, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (6) between Bolivar, Tenn., and junction Tennessee Highway 18 and U.S. Highway 45; from Bolivar, over Tennessee Highway 18 to junction Tennessee Highway 18 and U.S. Highway 45, and return over the same route, serving no intermediate points, but serving junction Tennessee Highway 18 and U.S. Highway 45 for purpose of joinder only, as an alternate route for operating convenience only; (7) between Meridian, Miss., and Corinth, Miss.; from Meridian, over U.S. Highway 45 and Alternate U.S. Highway 45 to Corinth, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (8) between junction U.S. Highway 45 and Tennessee Highway 18 and Jackson, Tenn.; from Jackson, over Tennessee Highway 18 to junction U.S. Highway 45 and Tennessee Highway 18, and return over the same route for operating convenience only; (9) between Jackson, Tenn., and Bolivar, Tenn.; over

Tennessee Highway 18 serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 5152 (Sub-No. 13), filed October 1, 1968. Applicant: VANCOUVER FAST FREIGHT, INC., 304 Columbia Street, Vancouver, Wash. 98660. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, from Vancouver, Wash., to Salem, Oreg. NOTE: If a hearing is deemed necessary, applicant did not specify location.

No. MC 10207 (Sub-No. 15), filed September 29, 1968. Applicant: McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, Ind. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between the plantsites and/or warehouse facilities of the Continental Steel Corp., located at or near Kokomo, Ind., on the one hand, and, on the other, points in Illinois, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Kentucky, restricted to the transportation of Continental Steel Corp. traffic originating at or destined to the plantsites and/or warehouse facilities of Continental Steel Corp. located at or near Kokomo, Ind. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 13134 (Sub-No. 22), filed September 26, 1968. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, Ohio. Applicant's representative: James M. Burtch, 100 East Broad Street, Room 1800, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and equipment, materials and supplies* used in the manufacture, processing, or shipment of plastic articles, between Jackson, Ohio, on the one hand, and, on the other, points in Michigan, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14297 (Sub-No. 19), filed September 25, 1968. Applicant: GIACOMAZZI BROS. TRANSPORTATION CO., a corporation, Bayshore Freeway CO., at North 13th Street, Post Office Box 729, San Jose, Calif. 95106. Applicant's representative: David W. Baker, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Crockett, Calif., to points in Deschutes County, Oreg., and *contaminated sugar*, in bulk, on return, from points

in Deschutes County, Oreg., to Crockett, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 19778 (Sub-No. 72), filed September 29, 1968. Applicant: THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, a corporation, 516 West Jackson Boulevard, Chicago, Ill. 60606. Applicant's representative: Robert F. Munsell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or in bulk, from Chamberlain, S. Dak., to points in Cherryl, Keya Paha, Brown, Thomas, Blaine, Rock, Loup, Boyd, Holt, Garfield, Wheeler, Greeley, Knox, Antelope, Boone, Nance, Pierce, Madison, Platte, Cedar, Wayne, Stanton, Colfax, Dixon, Dakota, Thurston, Burt, Cuming, Dodge, and Washington Counties, Nebr., restricted to the transportation of shipments receiving an immediately prior rail haul. NOTE: If a hearing is deemed necessary applicant requests it be held at Pierre, Rapid City, or Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 20802 (Sub-No. 5), filed September 30, 1968. Applicant: WHEELER MOTOR EXPRESS, INCORPORATED, 279 Lake Drive West, Dunkirk, N.Y. 14048. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Heavy machinery and general commodities*, except those of unusual value, and dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those injurious or contaminating to other lading, (A) between Barcelona, N.Y., and Salamanca, N.Y., (1) over New York Highway 17 to Salamanca serving Ashford Hollow, Cattaraugus, Ellicottville, Ellington, Stockton, and West Valley as intermediate points; and (2) from Barcelona over New York Highway 17 to Mayville, N.Y., thence over New York Highway 17J to Jamestown, N.Y., thence over New York Highway 17 to Salamanca, serving Ashville, Blockville, Clymer, Findley Lake, North Clymer, Panama, Sherman, and Stedman, N.Y., as off route points; and, (3) return over these routes to Barcelona; (B) between Gowanda, N.Y., and the intersection of U.S. Highway 20, over New York Highway 62 serving all intermediate points; (C) between Dunkirk, N.Y., and Olean, N.Y.: From Dunkirk over New York Highway 39 to Forestville, N.Y., thence over New York Highway 428 to junction New York Highway 83, thence over New York Highway 83 to Conewango Valley, N.Y., thence over New York Highway 62 to junction of unnumbered highway, thence over unnumbered highway by way of East Leon, N.Y., to junction New York Highway 353, thence over New York Highway 353 to Salamanca, N.Y., and thence over New York Highway 17 to Olean and return over the same route, serving all intermediate points and serving Ashford Hollow, Cattaraugus, Ellicottville, Ellington, Stockton, and West

Valley as off route points. NOTE: Applicant states it intends to tack at Barcelona, N.Y., to serve the proposed territory and applicant's present authority between Barcelona, N.Y., and Buffalo, N.Y. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 30657 (Sub-No. 25), filed September 23, 1968. Applicant: DIXIE HAULING COMPANY, a corporation, 959 Bankhead Avenue, Atlanta, Ga. 30318. Applicant's representative: James L. Flemister, 1026 Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, from points in Gwinnett County, Ga., to points in Alabama, Florida, Mississippi, and Tennessee, under contract with L. B. Foster Co. and Southern Pipe Coating Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 38541 (Sub-No. 23), filed September 19, 1968. Applicant: WHITE MOTOR EXPRESS, INCORPORATED, 721 South Third Street, Nashville, Tenn. 37206. Applicant's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, and those contaminating or injurious to other lading), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's present authority. NOTE: Applicant states it intends to tack with its present authority a Louisville, Ky., and interline with other carriers there and at Nashville, Tenn. Applicant also states that it does not intend to transport finished automobiles or trucks. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 41404 (Sub-No. 78), filed September 28, 1968. Applicant: ARCOLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite of Reelfoot Packing Co. at Union City, Tenn., and storage facilities of Reelfoot Packing Co. at Humboldt, Tenn., to Chicago, Ill., and its commercial zone, and, Detroit, Mich., and its commercial zone. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it

be held at Memphis or Nashville, Tenn., Chicago, Ill., or Jackson, Tenn.

No. MC 43654 (Sub-No. 76), filed September 27, 1968. Applicant: DIXIE OHIO EXPRESS, INC., Post Office Box 750, Akron, Ohio 44309. Applicant's representative: Robert E. Gifford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except perishables, livestock, petroleum and its products, in tank trucks, coal, sand, gravel, grain, household goods as defined by the Commission, classes A and B explosives, and those requiring special equipment), serving the plantsite of the Tennessee Valley Authority (TVA) Sequoyah Power Plant, located on the north bank of the Tennessee River, approximately 4½ miles east of Daisy, Tenn., located in Hamilton County, Tenn., as an off-route point, in connection with applicant's regular route authority between Akron, Ohio, on the one hand, and Atlanta, Ga., and Birmingham, Ala., on the other. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 49387 (Sub-No. 36), filed September 23, 1968. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, Mo. 65270. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, Mo. 63117. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) from junction Interstate Highway 70 (U.S. Highway 40) and Missouri Highway 13 to junction Missouri Highway 13 and Missouri Highway 83, at or near Bolivar, over Missouri Highway 13 and return over the same route, serving the junction of Interstate Highway 70 (U.S. Highway 40) and Missouri Highway 13, and the junction of Missouri Highway 13 and Missouri Highway 83 at or near Bolivar for service at both such joiner points, serving Warrensburg as an intermediate service point, and (2) from junction Interstate Highway 70 (U.S. Highway 40) and junction U.S. Highway 65 to junction U.S. Highway 65 and U.S. Highway 50 at or near Sedalia, over U.S. Highway 65 and return over the same route, serving the junction of Interstate Highway 70 (U.S. Highway 40) and junction U.S. Highway 65 and the junction U.S. Highway 65 and U.S. Highway 50 at or near Sedalia for service at such joiner points. NOTE: Applicant states both routes to be without restriction as to origin or destination of the traffic to be transported over said routes. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 55889 (Sub-No. 30), filed August 15, 1968. Applicant: COOPER TRANSFER COMPANY, INC., Post Office Box 426, Brewton, Ala. 36426. Ap-

plicant's representatives: J. Douglas Harris, 410-412 Bell Building, Montgomery, Ala. 36104 and Kenneth A. Roberts, Suite 410, 1026 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Jacksonville, Fla., and Thomasville, Ga., as follows: commencing at Jacksonville, thence in a westerly direction over U.S. Highway 90 to Monticello, Fla., thence in a northerly direction over U.S. Highway 19 to Thomasville, and return over the same route; and, (2) between Jacksonville and junction U.S. Highway 19, over Interstate Highway 10, serving no intermediate points in (1) and (2), above. NOTE: Applicant states it intends to tack the proposed authority at Thomasville, Ga., with its present authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla.

No. MC 59264 (Sub-No. 43), filed September 30, 1968. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, N.J. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and commodities or materials incidental thereto*, moving on Government bills of lading, from Dover Air Force Base, Del., to Aberdeen, Md. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61592 (Sub-No. 126), filed September 30, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the plantsites and warehouses of Continental Steel Corp. at or near Kokomo, Ind., on the one hand, and, on the other, points in the United States on and east of U.S. Highway 85, restricted to traffic originating at or destined to the plantsites and warehouses of Continental Steel Corp. at Kokomo, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 61592 (Sub-No. 127), filed October 1, 1968. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggins, Jr., 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, fertilizer material and ingredients, urea and urea products*, dry in bulk

or in packages, from Cargo Carriers, Inc., terminal (at or near Peoria, Ill.), to points in Missouri, Iowa, Wisconsin, Indiana, Illinois, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Chicago, Ill., or Kansas City, Mo.

No. MC 67691 (Sub-No. 4) (Correction), filed May 17, 1966, published FEDERAL REGISTER issues of June 9, 1966, June 20, 1968, and September 26, 1968, and republished as corrected this issue. Applicant: VALLEY FILM SERVICE, INC., 518 South Main Avenue, San Antonio, Tex. Applicant's representative: David A. Sutherland, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), having a prior or subsequent movement by air, between airports located in Bexar and Harris Counties, Tex., and points in Texas over the routes described as follows: (1) From San Antonio, Tex., over U.S. Highway 181, to Corpus Christi, Tex., and return over the same route, (2) from Beeville, Tex., over Texas Highway 202, to Refugio, Tex., thence over Texas Highway 774 to junction Texas Highways 774 and 35, and thence over Texas Highway 35 to junction Texas Highway 35 and U.S. Highway 181, and return over the same route, (3) from Corpus Christi, Tex., over Texas Highway 44, to Alice, Tex., and return over the same route, (4) from Alice, Tex., over Texas Highway 665, to Driscoll, Tex., and return over the same route, (5) from Alice, Tex., over U.S. Highway 281, to Pharr, Tex., and return over the same route, (6) from Houston, Tex., over U.S. Highway 59, to Victoria, Tex., and thence over U.S. Highway 77 to Brownsville, Tex., and return over the same route, (7) from San Manuel, Tex., over Texas Highway 186, to Raymondville, Tex., and return over the same route, (8) from junction Texas Highways 681 and 107, over Texas Highway 107 to junction Texas Highway 107 and U.S. Highway 77, and return over the same route, (9) from junction Texas Highways 681 and 107, over Texas Highway 681 to McAllen, Tex., and return over the same route, (10) from McAllen, Tex., over U.S. Highway 83, to Harlingen, Tex., and return over the same route, and (11) from San Antonio, Tex., over U.S. Highway 281 to Alice, Tex., and return over the same routes. Serving all intermediate points and points in the following counties as off-route points: Bexar, Wilson, De Witt, Lavaca, Wharton, Fort Bend, Harris, Brazoria, Matagorda, Jackson, Victoria, Goliad, Karnes, Bee, Refugio, San Patricio, Jim Wells, Nueces, Kleberg, Kenedy, Brooks, Hidalgo, Willacy, and Cameron Counties, Tex. NOTE: Common control may be involved. The purpose of this republication is to show in (1) above U.S. Highway 181 in lieu of U.S. Highway 81 previously published. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 69901 (Sub-No. 21), filed September 30, 1968. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, Columbus, Ind. 47201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60663. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to other lading), serving the plants of Essex Wire Corp. located in Whitley County, Ind., south of U.S. Highway 30, as an off-route point in connection with applicant's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 82063 (Sub-No. 21), filed September 25, 1968. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from St. Joseph, Mo., to points in Iowa, Kansas, Nebraska, Missouri, and Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 83885 (Sub-No. 7), filed September 27, 1968. Applicant: UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York, N.Y. 10007. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bars*, from Perth Amboy, N.J., to Rochester, N.Y., under continuing contract with Anaconda Sales Co., a division of Anaconda Co. NOTE: Applicant is authorized to operate as a *common carrier* under MC 11712, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 84756 (Sub-No. 7) (Amendment), filed August 23, 1968, published in FEDERAL REGISTER issue of September 19, 1968, amended October 2, 1968, and republished as amended this issue. Applicant: DWIGHT E. DAM, doing business as VALENTINE MOTOR LINE, Valentine, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, 300 NSEA Building, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, 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 other than refrigeration, and those injurious or contaminating to other lading), between Valentine

and Kilgore, Nebr., from Valentine, Nebr., over U.S. Highway 83 to Mission, S. Dak., thence west over U.S. Highway 18 to junction with unnumbered county road, thence south and west over unnumbered county road to Rosebud, S. Dak., thence northwest over unnumbered county road to Parmelee, S. Dak., thence southeast over unnumbered county road to St. Francis, S. Dak., thence south over unnumbered county roads to Kilgore, Nebr., serving all intermediate points. NOTE: Applicant states that in the event the instant application is granted, applicant requests that his existing regular route authority between Crookston, Nebr., and Parmelee, S. Dak., be revoked and canceled. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 86913 (Sub-No. 25), filed September 27, 1968. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden fencing sections, wooden pickets, wooden poles, and wooden posts*, from points in Halifax County, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Michigan, Massachusetts, Maryland, Maine, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, Tennessee, Georgia, South Carolina, Kentucky, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 94350 (Sub-No. 194) (Amendment), filed September 3, 1968, published in FEDERAL REGISTER issue of September 19, 1968, and republished as amended this issue. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from points in Robeson County, N.C., to points east of the Mississippi River including Minnesota and Louisiana. NOTE: The purpose of this republication is to show the point of origin as Robeson County, N.C., in lieu of Lumberton County, N.C., as previously published. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 103051 (Sub-No. 221), filed September 25, 1968. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions*

*in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles; from points in Knox County, Tenn., to points in Kentucky. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106400 (Sub-No. 73), filed September 27, 1968. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 8525, Sugar Creek, Mo. 64054. Applicant's representative: Robert L. Hawkins, Jr., 312 East Capitol Avenue, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the facilities of the Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Conway, Kans., and destined to points in the destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 134), filed September 25, 1968. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structures, outdoor electric substations, or sections thereof, iron or steel; structural angles, bars, beams, plates, and rod, iron or steel; bolts and nuts, and accessories used in the installation thereof*, from Newark, Ohio, to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 109326 (Sub-No. 98), filed September 23, 1968. Applicant: C&D TRANSPORTATION CO., INC., 932 Bay Bridge Road, Prichard, Ala. 36610. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, 618 Washington Avenue, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* except in bulk and/or in tank vehicles, and *advertising, promotional and display materials* when moving therewith, from points in Sunflower County, Miss., to points in Alabama, California, Nevada, Arizona, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Ohio, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York, Connecticut, Massachusetts, New Jersey, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greenville or Jackson, Miss.

No. MC 109326 (Sub-No. 99), filed September 23, 1968. Applicant: C & D TRANSPORTATION CO., INC., Post

Office Box Drawer 1503, Mobile, Ala. 36601. Applicant's representative: Robert E. Keene, Post Office Drawer 1503, Mobile, Ala. 36601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products, and commodities distributed by meat packinghouses*, as described in parts A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, fresh or frozen, in vehicles equipped with mechanical refrigeration, from Montgomery, Ala., to Eglin Air Force Base, Fort Walton Beach, Panama City, and Pensacola, Fla.; Biloxi, Columbus, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Pascagoula, and Vicksburg, Miss.; and Mobile, Ala.; and returned shipments of the commodities described above, in vehicles equipped with mechanical refrigeration, from Eglin Air Force Base, Fort Walton Beach, Panama City, and Pensacola, Fla.; Biloxi, Columbus, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Pascagoula, and Vicksburg, Miss.; and Mobile, Ala., to Montgomery, Ala.; (2) *fresh or frozen foods and foodstuffs, and those packinghouse products and articles distributed by meat packinghouses*, described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, which are fresh or frozen and are not for human consumption, in vehicles equipped with mechanical refrigeration, from Birmingham, Ala., to Eglin Air Force Base, Fort Walton Beach, Panama City, and Pensacola, Fla.; Biloxi, Columbus, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Pascagoula, and Vicksburg, Miss.; and Mobile, Ala.; and returned shipments of the commodities specified immediately above, in vehicles equipped with mechanical refrigeration, from Eglin Air Force Base, Fort Walton Beach, Panama City, and Pensacola, Fla.; Biloxi, Columbus, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Pascagoula, and Vicksburg, Miss.; and Mobile, Ala., to Birmingham, Ala.;

(3) *Fresh or frozen poultry* when moving in mixed shipments with commodities subject to the permit or certificate requirements of the Interstate Commerce Act, in vehicles equipped with mechanical refrigeration, from Prattville, Ala., to Eglin Air Force Base, Fort Walton Beach, Panama City, and Pensacola, Fla.; Biloxi, Columbus, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Pascagoula, and Vicksburg, Miss.; and Mobile, Ala.; and returned shipments of fresh or frozen poultry, in vehicles equipped with mechanical refrigeration, from Eglin Air Force Base, Fort Walton Beach, Panama City, and Pensacola, Fla.; Biloxi, Columbus, Gulfport, Hattiesburg, Jackson, Laurel, Meridian, Pascagoula, and Vicksburg, Miss.; and Mobile, Ala., to Prattville, Ala. NOTE: Applicant states the purpose of this application is to remove the restriction contained in its presently held certificate in MC 109326 Sub 74 which precludes the transportation of carcass meats suspended on rails in (1) and (2) above. No enlargement of territory is

sought and no change in applicant's present authority is sought other than the elimination of the said restriction in (1) and (2) above in No. MC 109326 Sub 74. Applicant further states, (1) tacking of packinghouse products under lead Docket No. MC 109326, is intended at Mobile, Ala., to serve between points in Mobile County, Ala., on the one hand and points in Florida, Georgia, and Mississippi on the other; (2) tacking of perishable foods under applicant's Sub 86 is intended at Mobile, Ala., to serve points between Mobile, Ala., and New Orleans, La., and all intermediate points on U.S. Highway 90 and the NASA test site located at or near Santa Rosa, Miss., as an off-route point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Birmingham, or Mobile, Ala.

No. MC 110563 (Sub-No. 41), filed October 2, 1968. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, North Ohio Avenue, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and food products, and materials and supplies used in the preparation, serving, or consumption of foods and food products, including premiums and advertising materials and special containers or racks used in the transportation of these commodities, from the plantsite and warehouse facilities of American Sugar Co. in Mantua Township at or near Pitman, N.J., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin.* NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 109564 (Sub-No. 10) (Correction) filed September 9, 1968, published FEDERAL REGISTER issue of September 26, 1968, and republished in part, as corrected, this issue. Applicant: LYONS TRANSPORTATION LINES, INC., 1701 Parade Street, Erie, Pa. 16503. Applicant's representative: John P. McMahon and A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. The purpose of this partial republication is to (1) redescribe a portion of Item (5) to reflect the correct route description as "thence west over Interstate Highway 70 (in lieu of 78) to junction Ohio Highway 4 near Medway, Ohio" which was inadvertently shown in the previous publication; and (2) to reflect that applicant desires that hearing be held at Columbus, Ohio and Washington, D.C., if deemed necessary. The rest of the application remains as previously published.

No. MC 111323 (Sub-No. 3), filed September 23, 1968. Applicant: DALE NICHOLS, doing business as NICHOLS TRUCKING COMPANY, 323 Southwest Fourth Street, Brainerd, Minn. 56401. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from St. Louis, Mo., to Alexandria, Brainerd, Detroit Lakes, and St. Cloud, Minn.; (2) from La Crosse, Wis.,

to Alexandria, Detroit Lakes, and Hutchinson, Minn.; (3) from Sheboygan, Wis., to Alexandria, and Detroit Lakes, Grand Rapids, and Hutchinson, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111545 (Sub-No. 111), filed September 27, 1968. Applicant: HOME TRANSPORTATION COMPANY, INC., Post Office Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, 1425 Franklin Road SE., Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles and buildings moving on their own or removable undercarriage equipped with hitchball or pintle type connectors, from points in the Lancaster County, S.C., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that tacking is not affirmatively intended, however, tacking could occur at points in Lancaster County, S.C., with other authority presently held. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 111740 (Sub-No. 26), filed September 30, 1968. Applicant: OIL TRANSPORT COMPANY, a corporation, Post Office Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, Post Office Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas, restricted to the transportation of shipments which originate at the facilities of the Hill Chemicals, Inc., plantsite located at or near Borger, Tex., and are destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111785 (Sub-No. 34), filed September 26, 1968. Applicant: BURNS MOTOR FREIGHT, INC., U.S. Highway 219 North, Post Office Box 149, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from points in Braxton and Randolph Counties, W. Va., to points in Pennsylvania, Ohio, Kentucky, Virginia, and Maryland. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113325 (Sub-No. 128), filed September 30, 1968. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. 63104. Applicant's representative: T. M. Tahan, 2001 South Seventh Street, St. Louis, Mo. 63104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in

tank vehicles, from the plantsite of Central Farmers Fertilizer Co. at or near Palmyra, Mo. (located in Marion County, Mo.), to points in Illinois, Iowa, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113388 (Sub-No. 83), filed September 25, 1968. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 248, Bridgeville, Del. 19933. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and food products, and materials and supplies* used or useful in preparing, serving or consumption of foods and food products, including premiums and advertising materials and special containers and racks used in the transportation of these commodities, from the plantsites and warehouse facilities of American Sugar Co. in Mantua Township at or near Pitman, N.J., to points in Connecticut, Delaware, Florida, Georgia, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 113843 (Sub-No. 142), filed September 30, 1968. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in those parts of Delaware, Maryland, and Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 143), filed September 30, 1968. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in those parts of Delaware, Maryland, and Virginia, on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay to points in Ohio, and West Virginia and in that part of Pennsylvania on and west of U.S. Highway 220. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 144), filed September 30, 1968. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd,

29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in those parts of Delaware, Maryland, and Virginia on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay to points in Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Missouri, Indiana, Illinois, Michigan, Kentucky, and that part of Colorado east of the Continental Divide. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114106 (Sub-No. 63), filed September 30, 1968. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, Lexington, N.C. 27292. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, from Hopewell, Va., to points in North Carolina, South Carolina, Georgia, and Alabama. **NOTE:** Applicant holds contract carrier authority under MC 115176, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 114364 (Sub-No. 182), filed September 23, 1968. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Roger Spahr (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass or plastic containers, glassware, plasticware, caps, covers, tops, corrugated paper boxes or containers*, (a) from Alton, Ill., and Waco, Tex., to points in Wyoming; (b) from Waco, Tex., to points in New Mexico, and (2) *plasticware, plastic containers and caps, covers, tops, stoppers, boxes, and cartons* for the described commodities, from Waco, Tex., to points in Colorado. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Dallas, Tex.

No. MC 114408 (Sub-No. 7), filed September 30, 1968. Applicant: W. E. BEST, INC., State Route 20, Pioneer, Ohio 43554. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, gravel, dirt, and bituminous concrete*, in bulk, (1) from points in Paulding County, Ohio, to points in Hillsdale, County, Mich.; (2) from points in Steuben County, Ind., to points in Williams County, Ohio; and (3) from points in Hillsdale County, Mich., to points in Williams County, Ohio, under contract with Northwest Materials, Inc. **NOTE:** Applicant states that no duplicating authority is presently held or being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114533 (Sub-No. 171), filed September 20, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and business records*, between Celina, Ohio, on the one hand, and, on the other, points in Indiana and points in the Lower Peninsula of Michigan. **NOTE:** Applicant has contract carrier authority pending under MC 128616, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 114533 (Sub-No. 172), filed September 23, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film and materials and supplies used in connection with commercial and television motion pictures); (2) *eye glasses, frames, lenses, and parts thereof*, between Omaha, Nebr., on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 183 and those in Missouri on and west of U.S. Highway 63; and (3) *optical goods and instruments*, between Kansas City, Mo., on the one hand, and, on the other, points in Nebraska. **NOTE:** Applicant has pending in MC 128616 an application for motor contract carrier authority, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas, City, Mo.

No. MC 114725 (Sub-No. 41), filed October 4, 1968. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (a) from the plantsite of Hill Chemicals, Inc., located at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas; (b) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska; (c) from the terminal located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; and (d) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to

points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the named origin points and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114897 (Sub-No. 79), filed September 30, 1968. Applicant: WHITFIELD TANK LINES, INC., 300-316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Titanium tetrachloride*, in bulk, in tank vehicles, from Henderson, Nev., to points in Sonoma, Contra Costa, Alameda, Napa, San Francisco, Marin, and Solano Counties, Calif. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify location.

No. MC 115162 (Sub-No. 159), filed September 30, 1968. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition building boards, and parts, materials, and accessories incidental to the installation thereof*, from Mobile, Ala., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 115311 (Sub-No. 91), filed September 18, 1968. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 31061. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement, mortar mixes, rock or stone, sand, cold mixed asphalt, vinyl concrete patcher, lime, masonry coating, tile grout, hydraulic cement, acrylic paint, adhesive, advertising materials and paper bags, liquid asphalt sealer, coal tar pitch emulsion, patching plaster, additives, and liquid latex*, from the plantsite of Quikrete-Handi Crete Co., a division of Packaged Cement Products Co., at or near Lithonia, Ga., to points in Alabama, South Carolina, Tennessee, North Carolina, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115379 (Sub-No. 33), filed September 30, 1968. Applicant: JOHN D. BOHR, INC., Post Office Box 217, Annville, Pa. 17003. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Poultry meal*, in bulk, from points in Dauphin, Lebanon, and Lancaster Counties, Pa., to Battle Creek, Mich.; and (2) *soy bean meal and soy bean hulls*, from points in Wicomico

County, Md., and Sussex County, Del., to points in Adams, Lebanon, Franklin, Snyder, Union, and Schuylkill, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 115669 (Sub-No. 94) (Correction), filed August 28, 1968, published in FEDERAL REGISTER issue of September 19, 1968, and republished as corrected this issue. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Animal, poultry, and bird feed, and ingredients thereof*, and (b) *animal and poultry health products, insecticides, and pesticides, empty bags and other containers, and advertising matter and premiums*, when moving in mixed shipments with commodities as shown in (a) above, from Omaha, Nebr., to points in Iowa, Missouri, and South Dakota, and from Columbus, Nebr., and points within 6 miles thereof, to points in Minnesota, and (2) *animal, poultry, and bird feed ingredients*, from points in Nebraska (except Omaha) to points in Missouri and Des Moines, Iowa. NOTE: The purpose of this republication is to show a comma after *animal* in (1) (a) above which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115669 (Sub-No. 95), filed September 25, 1968. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, (1) from the terminal facilities of Mid-America Pipeline Co. located at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska, and, (2) from the terminal facilities of Mid-America Pipeline Co. at or near Greenwood, Nebr., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, South Dakota, and Wyoming; and, (3) from the terminal facilities of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Restriction: Restricted to the transportation of shipments which originate at the facilities of Mid-America Pipeline Co. located at origins named above and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 116710 (Sub-No. 13), filed September 30, 1968. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., Post Office Box 1634, Hattiesburg, Miss. 39401. Applicant's representative: Leland D. Smith, Navasota, Tex. 77868. Authority sought to operate as a contract carrier,

by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum chloride* in tank vehicles, dry, in bulk, under nitrogen pressure, from Baton Rouge, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas, under contract with Stauffer Chemical Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Houston, Tex.

No. MC 116763 (Sub-No. 137), filed September 30, 1968. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: W. J. Bohman (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Printed materials*, from Dwight, Ill., to points in Michigan, Ohio, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117416 (Sub-No. 31), filed October 4, 1968. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. 37921. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and processed foodstuffs*, from points in Allegan County, Mich., and Marshall County, Ind., to points in Georgia, Kentucky, and Tennessee. NOTE: Applicant states that it intends to tack at Newport, Servier-ville and Tellico Plains, Tenn., with its present authority in MC 117416 Sub 11, to provide service to points in Florida, Louisiana, Mississippi, North Carolina, and South Carolina. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Indianapolis, Ind., or Chicago, Ill.

No. MC 117883 (Sub-No. 115), filed September 30, 1968. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, Ohio 45380. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greenfield, Ohio, to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 118288 (Sub-No. 30), filed September 23, 1968. Applicant: STEPHEN F. FROST, Post Office Box 28, Billings, Mont. 59103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail, and chain grocery, and*

food business houses and equipment, materials and supplies used in the conduct of such business; (2) commodities, the transportation of which is partially exempt, pursuant to the provisions of section 203(b) (6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with the commodities in (1) above, from points in California, Oregon, Washington, Nevada, Utah, Idaho, and Arizona to points in Big Horn, Campbell, Crook, Fremont, Hot Springs, Johnson, Niobrara, Sheridan, Park, Washakie, and Weston Counties, Wyo.; and Carbon and Valley Counties, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 118696 (Sub-No. 4), filed September 30, 1968. Applicant: FERREE MOVING AND STORAGE, INC., 9450 South Calumet Avenue, Munster, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, dormitory and institutional furniture, and convertible beds*, from Munster, Ind., to points in Illinois, that part of Michigan on and south of Michigan Highway 72, that part of Ohio on and west of Ohio Highway 13 and on and north of U.S. Highway 50, that part of Wisconsin on and south of Wisconsin Highway 29, and that part of Iowa on and east of U.S. Highway 69. NOTE: Applicant holds contract carrier authority under MC 126510, therefore, dual operations may be involved. The purpose of the instant application is to convert applicant's presently held contract carrier authority into a common carrier Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 118745 (Sub-No. 8) (Correction), filed September 23, 1968, published in FEDERAL REGISTER issue of October 10, 1968, and republished as corrected this issue. Applicant: JOHN PFROMMER, INC., Post Office Box 307, Douglassville, Pa. 19518. Applicant's representative: Theodore Polydoroff, Suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk; (a) from Philadelphia, Phoenixville, and Eddystone, Pa., to points in Delaware and New Jersey; (b) from Edgemore, Del., to Plymouth Meeting, Pa., and to points in New Jersey; and (c) from Duck Island (Trenton), N.J., to Plymouth Meeting, Pa.; and (2) *cement*, in bulk, from Plymouth Meeting, Pa., to points in New Jersey; under contract with G. & W. H. Corson, Inc. NOTE: The purpose of this republication is to show the origin in (b) above as Edgemore, Del., in lieu of Eddystone, Del., as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 119241 (Sub-No. 6), filed September 26, 1968. Applicant: PCP TRANSPORTATION COMPANY, a corporation, 9500 Norwalk Boulevard, Santa Fe Springs, Calif. 90670. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Clay tile*, from the Los Angeles, Calif., Harbor commercial zone to points in California, Arizona, and Nevada, under contract with Pacific Clay Products Co. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate No. MC 127756, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 119641 (Sub-No. 73), filed September 20, 1968. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, farm machinery, farm equipment, and parts, attachments, and accessories for agricultural implements, farm machinery and farm equipment*, from Princeville, Ill., to points in Michigan, Indiana, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Minnesota, and Nebraska and, (2) *materials and supplies used or useful in the manufacture of agricultural implements, farm machinery, farm equipment, and parts, attachments, and accessories for agricultural implements, farm machinery and farm equipment*, from points in Michigan, Indiana, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Minnesota, and Nebraska, to Princeville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119641 (Sub-No. 74), filed September 23, 1968. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Refractory products* (except in bulk), from Claysburg, Sproul, and Salina, Pa., to points in Ohio, Kentucky, Indiana, and Illinois; and, (2) *building, roofing, and insulating materials, perlite products, materials, and supplies used or useful in the installation thereof, and diatomaceous earth products*, from Jamesburg, N.J., to points in Pennsylvania, Ohio, Kentucky, Indiana, and Illinois. NOTE: Applicant states it intends to tack at North Judson, Ind., for through service to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Michigan. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 123048 (Sub-No. 142), filed September 25, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) *Tractors* and (2) *tractor parts and attachments*, from West Allis, Wis., to Racine, Wis., restricted to shipments originating at the plantsites of Allis-Chalmers Manufacturing Co. at West Allis, Wis., and (B) *tractors*, from Racine and West Allis, Wis., to points in the United States (except Alaska, Hawaii, and Wisconsin), restricted to shipments originating at either Racine, Wis., or the plantsite of Allis-Chalmers Manufacturing Co. at West Allis, Wis. NOTE: The purpose of the application is to provide Allis-Chalmers Manufacturing Co. with transportation of tractors and tractor parts and attachments from its plant in West Allis, Wis., to Racine, Wis., where the tractors will be temporarily stored, sorted according to destination, have parts and attachments assigned to particular tractors and then shipped to various destinations by rail, customer pickup, Allis-Chalmers' private fleet, other carriers and by applicant. Applicant believes that Part (A) involves intrastate commerce and will move to dismiss Part (A) after presenting its case of grounds that the Commission does not have jurisdiction as to proposed transportation. Applicant states that if Part (A) is granted and Part (B) is denied, applicant intends to tack Part (A) with its existing authority by which it can transport various types of tractors from Racine, Wis., Muskegon, Mich., and Crown Point, Ind. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 143), filed September 26, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: C. Ernest Carter, Post Office Box A, Racine, Wis. 53401, and Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors, power mowers and hand mowers, and parts, attachments and accessories* for the above commodities, from South Bend, Ind. to points in Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Tennessee, Virginia, West Virginia, Wisconsin, and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123405 (Sub-No. 23), filed September 30, 1968. Applicant: FOOD TRANSPORT, INC., Post Office Box 1041, York, Pa. 17405. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned and bottled, other than frozen, from Cade and Lozes, La., to points in Virginia and West Virginia and that part of Ohio on and east of U.S. Highway 23. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 123490 (Sub-No. 10), filed September 30, 1968. Applicant: CHIP CARRIERS, INC., 1217 South 24th Street, Omaha, Nebr. 68108. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Doritos tortilla chips*, from Council Bluffs, Iowa, to points in Illinois, Indiana, Wisconsin, and Minnesota, under contract with Frito-Lay, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Dallas, Tex.

No. MC 123622 (Sub-No. 1), filed September 21, 1968. Applicant: THOMPSON TRANSPORT CO., INC., 1060 West Woodside, McPherson, Kans. 67460. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Mid-America Pipeline Co. at or near Conway, Kans., to points in Colorado, Kansas, Missouri, and Nebraska, restricted to the transportation of shipments which originate at the facilities of the Mid-America Pipeline Co. located at or near Conway, Kans., and destined to points in the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126039 (Sub-No. 9), filed September 30, 1968. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., U.S. Highways 6 and 15, New Paris, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities in bulk), between the plantsite(s) and/or warehouse facilities of the Continental Steel Corp., located at or near Kokomo, Ind., on the one hand, and, on the other, points in the United States located on and east of U.S. Highway 85, restricted to the transportation of Continental Steel Corp. traffic originating at or destined to the plantsite(s) and/or warehouse facilities of Continental Steel Corp. located at or near Kokomo, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 127505 (Sub-No. 16) (Correction), filed August 26, 1968, published FEDERAL REGISTER issue September 19, 1968, corrected September 25, 1968, and

republished as corrected, this issue. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCKING LINES, 1201 14th Avenue, Mendota, Ill. 61342. Applicant's representative: Ralph H. Boelk (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbers' goods, bathroom or lavatory fixtures, and accessories*, from Abingdon, Ill., to points in Alabama, Delaware, Georgia, Indiana, Kentucky, Louisiana (points on and east of the Mississippi River), Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) *cabinets, radio, phonograph, or talking machine* without mechanism in packages, from Tell City, Ind., to Decatur, Ill. NOTE: The purpose of this republication is to redescribe the commodities in (2) above, by deleting the words "bathroom or lavatory fixtures, and accessories," which were erroneously shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128302 (Sub-No. 4), filed September 26, 1968. Applicant: THE MAN-FREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in bulk, in tank vehicles, from Orrville, Ohio, to New Bethlehem, Pa. NOTE: Applicant presently has contract carrier authority under MC 112184 and subs thereunder, therefore dual operations may be involved. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128570 (Sub-No. 7), filed September 27, 1968. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., 1122 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Data processing machine and typewriter parts*, restricted to shipments weighing under 100 pounds, between New York, N.Y., Philadelphia, Pa., and points in Delaware. NOTE: Applicant has contract carrier authority in MC 115601 Sub 3 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wilmington, Del.

No. MC 128694 (Sub-No. 2), filed September 25, 1968. Applicant: LEO C. TAYLOR, 2711 Mannheim Road, Des Plaines, Ill. 60018. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, between the plantsite and/or facilities of Charter Beers of America, Inc., at Chicago, Ill., and Cleve-

land, Ohio, and *empty bottles and containers*, on return; under contract with Charter Beers of America, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129700 (Sub-No. 1), filed August 30, 1968. Applicant: WARREN R. ABRAMS, Tabernacle-Medford Lakes Road, Rural Delivery, Vincentown, N.J. 08088. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk and in containers, from Baltimore, Md., to points in Burlington County, N.J., under contract with U.S.S. Agri-Chemicals, Inc., a subsidiary of United States Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Camden, N.J.

No. MC 133028, filed July 14, 1968. Applicant: W. R. BREEDEN, Route 3, Box 227-A, Quincy, Fla. 32351. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Tallahassee, Fla. 32302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fullers earth*, in bulk, in dump-type vehicles, (1) from mining sites surrounding Calvary, Ga., and bounded on the east by U.S. Highway 319 and Georgia Highway 93, which highways run from Georgia-Florida State line to Cairo, Ga., and on the north by Georgia Highway 38 and U.S. Highway 84, which run from Cairo, Ga., to Bainbridge, Ga., and on the west by Georgia Highways 97 and 302, which run from Bainbridge, Ga., to the Georgia-Florida State line, to Dresser Minerals, Division of Dresser Industries, Inc., located at railroad point near Hinson, Fla.; and (2) from mining sites in Gadsden County, Fla., to the Milwhite Co., Inc., plant in Attapulgus, Ga.; under contract with Dresser Minerals, Division of Dresser Industries, Inc., and the Milwhite Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 133065 (Sub-No. 2), filed September 26, 1968. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Mead, Nebr. 68401. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, grain tanks, grain crop dryers and hydraulic presses, and component parts thereof, and equipment, materials and supplies* used in the manufacture of the above items, between the plantsite and storage facilities of the Behlen Manufacturing Co., at or near Columbus, Nebr., on the one hand, and, on the other, points in Colorado, Illinois, Iowa, Indiana, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota, Wisconsin, Wyoming, Michigan, Ohio, Pennsylvania, New York, and New Jersey, under contract with Behlen Manufacturing Co., Columbus, Nebr. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 133090 (Sub-No. 2), filed September 25, 1968. Applicant: NORMAN EXPRESS CO., INC., 540 Rosedale Avenue, Bronx, N.Y. 10472. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat treating furnaces and kilns, uncrated; pottery wheels; and supplies, equipment, accessories, and tools used in the operation and maintenance of heat treating furnaces and kilns and pottery wheels; and (2) vending machines, uncrated, and ingredients and goods dispensed by vending machines*, (1) between Mamaroneck, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn., and Bergen, Essex, Hudson, Union, Middlesex, Morris, Passaic, and Somerset Counties, N.J., and (2) between Yonkers, N.Y., on the one hand, and, on the other, points in Fairfield, New Haven, and Hartford Counties, Conn., and Bergen, Essex, Hudson, Union, Passaic, Middlesex, Morris, Somerset, Mercer, and Monmouth Counties, N.J., under contract with Kilns, Inc., Mamaroneck, N.Y., and U-Vend, Inc., Yonkers, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 133125 (Amendment), filed August 21, 1968, published FEDERAL REGISTER issue of September 12, 1968, amended October 3, 1968 and republished as amended this issue. Applicant: J. B. J. TRUCKING CORP., 21 Fir Drive, New Hyde Park, N.Y. 11040. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stereos, radio, television receiving sets and component parts thereof*, (1) between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, New York, N.Y., points in Westchester, Rockland, and Orange Counties, N.Y., and Newark Airport, N.J.; and (2) between New York, N.Y., on the one hand, and, on the other, points in Rockland and Orange Counties, N.Y., and Newark Airport, N.J. NOTE: The purpose of this republication is to amend the territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133134 (Clarification), filed August 29, 1968, published in FEDERAL REGISTER issue of September 26, 1968, and republished as clarified this issue. Applicant: WALTER VATTER, doing business as VATTER TRUCKING CO., 1640 Cooper Street, Cincinnati, Ohio 45223. Applicant's representative: James W. Muldoon, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, and materials, equipment, and supplies used in the conduct of such business, between Middletown, Ohio; Union Township, Clermont County, Ohio; and Cincinnati, Ohio;*

points in Boone County, Ky., and Lexington, Ky., under a continuing contract with the McAlpin Co., restricted against (1) commodities in bulk, (2) household appliances weighing not in excess of 2,500 pounds, air-conditioning and refrigeration units and materials and supplies used in the installation thereof, between Cincinnati, Ohio, and points in Indiana, Kentucky, and Ohio within 25 miles of Cincinnati, Ohio. NOTE: Applicant holds common carrier authority under MC 106438, therefore dual operations may be involved. The purpose of this republication is to more clearly set forth the territorial description, and to show dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 133187, filed September 25, 1968. Applicant: MILTON BOUCHE, Route 2, Algoma, Wis. 54201. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green lumber, green sawdust, and green wood chips*, from Algoma and Valders, Wis., to points in the Upper Peninsula of Michigan and points in Illinois on and north of U.S. Highway 6; and (2) *green lumber*, from Algoma and Valders, Wis., to Paoli, Ind., all under contract with Algoma Lumber Co. and Sperber & Krueger Lumber Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 133189, filed September 25, 1968. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, Minn. 55421. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, on expandable and specialized equipment, from St. Paul and Duluth, Minn., to points in Colorado, Idaho, Illinois, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133191, filed September 27, 1968. Applicant: MERIDIAN TRUCKING COMPANY, INC., 913 C Street, Meridian, Miss. 39301. Applicant's representative: Phineas Stevens, 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Meridian, Miss., to points in the United States except Alaska and Hawaii; (2) *bar and structural steel*, from points in Alabama, Louisiana, Tennessee, and Texas, to Meridian, Miss.; (3) *machinery used in steel fabrication*, from points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, and Tennessee, to Meridian, Miss.; and (4) *paint*, from Birmingham, Ala., Kansas City, Mo., Knoxville, Tenn., and Slidell, La., to Meridian, Miss., under contract with Tucker Steel

Division of U.S. Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 133192, filed September 26, 1968. Applicant: LARRY TREBINO CONSTRUCTION COMPANY, INC., 5 Cypress Drive, Burlington, Mass. 01803. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Granite chips*, in bulk, in dump vehicles, from Chelmsford, Mass. to Danbury, Hartford, Newington, and North Haven, Conn.; (2) *sand*, in bulk, in dump vehicles, from Monson, Mass., to Danbury, Hartford, Newington, and North Haven, Conn.; (3) *pumice*, in bulk, in dump vehicles, from Boston, Mass., North Haven, Conn., and Portsmouth, N.H., to Acton, Medford, and Woburn, Mass., and North Haven, Conn.; (4) *quartz*, in bulk, in dump vehicles, from Lyndeboro, N.H., to Newington and Manchester, Conn.; (5) *topaz*, in bulk, in dump vehicles, from Malden, Mass., to Newington and Manchester, Conn.; (6) *bricks*, concrete, from Acton, Mass., to North Haven and Hartford, Conn.; (7) *blocks*, concrete, from Medford, Mass., to North Haven and Hartford, Conn.; (8) *blocks*, concrete, from Hartford and North Haven, Conn., to Acton, Medford, Waltham, Watertown, and Woburn, Mass.; (9) *expanded shale*, in bulk, in dump vehicles, from Plainville, Mass., to Danbury, Hartford, Newington, and North Haven, Conn.; and (10) *brick, concrete, or clay*, from North Haven and Hamden, Conn., to Acton, Medford, Waltham, and Woburn, Mass., under with Plasticrete Corp. and Ideal Concrete Block Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 133200, filed September 27, 1968. Applicant: SPRINGER STORAGE CO., doing business as BENTON VAN AND STORAGE CO., 7300 Lomas Boulevard NE., Albuquerque, N. Mex. 87110. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Bernalillo, Valencia, McKinley, Sandoval, San Juan, Rio Arriba, Santa Fe, Taos, Los Alamos, Mora, San Miguel, Colfax, Union, Harding, Guadalupe, and Socorro Counties, N. Mex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 133201, filed September 27, 1968. Applicant: HAROLD DEAN BARNES, doing business as BARNES AUTO TRANSPORTERS, 7715 Woodmont Avenue, Bethesda, Md. 20014. Applicant's representative: Milton M. Burke, 1010 Vermont Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, between points in Maryland, District of Columbia, New York, New Jersey, Delaware, Pennsylvania, Virginia, North Carolina, South

Carolina, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133202, filed September 27, 1968. Applicant: BLUE TRANSIT, INC., Box 53, Cottage Grove, Minn. 55016. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel* from points in Washington County, Minn., to points in St. Croix, Polk, and Pierce Counties, Wis.; (2) *bagged cement mix and bagged mortar mix* from Lakeland, Minn., to points in Minnesota, Upper Michigan and Wisconsin; and (3) *crushed trap rock* from Dresser, Wis., to St. Paul and Lakeland, Minn., under contract with Cemstone Products Co., St. Paul, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133203, filed September 6, 1968. Applicant: FIRST COURIER CORPORATION, 301 South Tryon Street, Charlotte, N.C. 28201. Applicant's representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media and other business records, documents used in processing such media and records; and commercial papers, documents, and written instruments*, between points in North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant has pending in MC 133-207 an application for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 133204, filed September 30, 1968. Applicant: KEITH TRUCKING, INC., Levant Road, Falconer, N.Y. 14733. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, (2) *wood and wood products*, (3) *cabinets*, (4) *doors*, (5) *cement asbestos products*, (6) *plastic products*, (7) *aluminum and aluminum products*, (8) *products of (a) wood and metal combined, (b) wood and cement asbestos combined, (c) plastic and metal combined, (d) cement asbestos and metal combined, (e) aluminum and other metals combined, (f) plastic and wood combined, and (g) materials, supplies, machinery and equipment used in the manufacture of the commodities set forth in (1) through (8) above, between the plantsite of U.S. Plywood-Champion Papers, Inc., at Cataugaus, N.Y., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, under contract with U.S. Plywood-Champion Papers, Inc. NOTE: If a hearing is deemed necessary, applicant re-*

quests it be held at Jamestown or Buffalo, N.Y., or Washington, D.C.

No. MC 133205, filed September 30, 1968. Applicant: DONALD CRANSTON, doing business as KEYSTONE AUTO MART, 589 East Main Street, Rochester, N.Y. 14609. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles, and used trucks*, between points in Monroe, Erie, and Onondaga Counties, N.Y., on the one hand, and, on the other, Manheim, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 133206, filed September 30, 1968. Applicant: SALIDA - CANON TRUCKING, INC., doing business as CENTRAL COLORADO TRUCKING COMPANY, 1517 H Street, Salida, Colo. 81201. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and ore concentrates*, between points in Chaffee, Custer, Fremont, and Saguache Counties, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 133207, filed September 27, 1968. Applicant: FIRST COURIER CORPORATION, 301 South Tryon Street, Charlotte, N.C. 28201. Applicant's representative: William F. King, Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency, coin, and bullion), as are used in the business of banks and banking institutions, between points in North Carolina, South Carolina, Tennessee, and Virginia, under contract with persons, as defined in section 203(a) of the Interstate Commerce Act, who are engaged in the business of banks or banking institutions. NOTE: Applicant has pending in MC 133203 an application for common carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 133212, filed October 2, 1968. Applicant: MATT TRANSPORT, INC., 522 Broadway, Gary, Ind. 46402. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, sand gravel, and slag* in dump vehicles, between points in Will, Du Page, Lake, and Cook Counties, Ill., on the one hand, and, on the other, points in La Porte, Lake, and Porter Counties, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 133213, filed September 30, 1968. Applicant: ANNA GASPERETTI, doing business as THE TRI-C TRANSFER AND STORAGE, 111 West 10th,

Walsenburg, Colo. 81089. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except commodities in bulk, in tank vehicles, and livestock), between Walsenburg and Gardner, Colo.; From Walsenburg to Gardner over Colorado Highway 69, serving all intermediate points and the off-route point of Red Wing, Colo., and return over the same route. Irregular routes: (B) *General commodities* (except commodities in bulk, in tank vehicles, and livestock), between points in Huerfano County, Colo., on the one hand, and, on the other, points in Colorado. NOTE: If a hearing is deemed necessary, applicant requests it be held at Walsenburg, Pueblo, Colorado Springs, or Denver, Colo.

No. MC 133214, filed September 23, 1968. Applicant: ROBERT WHITFIELD, doing business as WHITFIELD TRUCKING COMPANY, 3699 Del Monte Way, San Leandro, Calif. 94578. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, petroleum products in tank trailers, cement products in bags or bulk, and passengers), between points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133215, filed October 4, 1968. Applicant: INTERIOR MOTOR FREIGHT, INC., Route 2, 2405 Jordan, The Dalles, Ore. 97058. Applicant's representative: John G. McLaughlin, 624 Pacific Building, 520 Southwest Yamhill, Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between points in Wasco County, Ore. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 133216, filed October 3, 1968. Applicant: ROBERT P. PEDIGO, doing business as PEDIGO TRUCKING, 611 Township Road, Plainfield, Ind. 46168. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Cincinnati and Greenville, Ohio, and Chicago Heights, Ill., to points in Indiana, under contract with International Minerals Corp., Skokie, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1934 (Sub-No. 27), filed September 26, 1968. Applicant: THE ARROW LINE, INC., 105 Cherry Street, East Hartford, Conn. 06108. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Norwich, Conn.,

and New York, N.Y.: From Norwich over Connecticut Highway 52 to Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Norwich or Hartford, Conn.

No. MC 3700 (Sub-No. 59), filed September 30, 1968. Applicant: MANHATTAN TRANSIT COMPANY, a corporation, Route 46, East Paterson, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations, during the authorized racing seasons at Green Mountain Park Racetrack, Pownal, Vt., beginning and ending at New York, N.Y., extending to Green Mountain Park Racetrack, Pownal, Vt. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133143, filed September 3, 1968. Applicant: PATHFINDER BUS LINES INC., 2907 63d Street, Kenosha, Wis. 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Racine, Walworth, and Kenosha Counties, Wis., and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kenosha, Racine, or Milwaukee, Wis.

No. MC 133182, filed September 23, 1968. Applicant: JOSEPH H. IRBY AND LEON E. CROENNE, a partnership, doing business as MISSISSIPPI COAST LIMOUSINE SERVICE, 808 Courthouse Road, Gulfport, Miss. 39501. Applicant's representative: David Cottrell, Jr., 2300 14th Street, Gulfport, Miss. 39501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Biloxi, Miss., and the New Orleans Airport, New Orleans, La., from Biloxi over U.S. Highway 90 (also over Interstate Highway 10) to New Orleans, La., thence over U.S. Highway 61 to the New Orleans Airport, and return over the same route, serving the intermediate points of Gulfport, Long Beach, and Pass Christian, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Gulfport or Biloxi, Miss.

No. MC 133185, filed September 25, 1968. Applicant: STEEL CITY COACH LINES LIMITED, 59 Old Garden River Road, Sault Ste. Marie, Ontario, Canada. Applicant's representative: John W. Ester, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter operations, beginning and

ending at ports of entry on the international boundary line between the United States and Canada located on or near the St. Lawrence, Niagara, Detroit, St. Clair, St. Marys, Pigeon, and Rainy Rivers, and extending to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Sault Ste. Marie, Lansing, or Detroit, Mich.

#### APPLICATION FOR BROKERAGE LICENSE

No. MC 130070 (Clarification), filed September 5, 1968, published in FEDERAL REGISTER issue of September 26, 1968, and republished as clarified this issue. Applicant: COLUMBUS ASSOCIATES, INC., 15-17 Stoughton Street, Dorchester District, Boston, Mass. Applicant's representative: Mary E. Kelley, 10 Tremont Street, Boston, Mass. 02108. For a license (BMC-5) to engage in operations as a *broker*, at Boston, Mass., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups, in charter and special operations, between points in the United States. NOTE: The purpose of this republication is to clarify the operations as being both charter and special service.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-12549; Filed, Oct. 16, 1968;  
8:45 a.m.]

#### FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 14, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 41470—*Wheat and grain sorghums from points in Kansas on the Missouri Pacific Railroad Co.* Filed by Missouri Pacific Railroad Co. (No. 1139), for interested rail carriers. Rates on wheat and grain sorghums, in bulk, in carloads, as described in the application, from Hazelton, Kiowa, Stubbs, and Hardtner, Kans., on the Missouri Pacific Railroad Co., to Louisiana and Texas Gulf Ports, Myrtle Grove (Plaquemine Parish), Louisiana to Corpus Christi, Tex., for export.

Grounds for relief—Motortruck competition.

Tariff—Supplement 46 to Missouri Pacific Railroad Co.'s tariff ICC 364.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-12633; Filed, Oct. 16, 1968;  
8:49 a.m.]

[Notice 711]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 11, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 29079 (Sub-No. 49 TA), filed October 9, 1968. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: V. H. Schwartz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, and devices* used in the shipping therefor, from Huntington, W. Va., to Louisville, Ky., for 180 days. Supporting shipper: Owens-Illinois, Toledo, Ohio 43601. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 38198 (Sub-No. 3 TA), filed October 9, 1968. Applicant: SEIDENBERG'S EXPRESS & TRUCKING CORP., 80 Middleton Street, Brooklyn, N.Y. 11206. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, clothing, and yarns*, between plantsite of Aleph Manufacturing Co., Amityville, N.Y., on the one hand, and, on the other, New York, N.Y., for 150 days. NOTE: Applicant intends to interline with other interstate carriers and freight forwarders at New York, N.Y. Supporting shipper: Aleph Manufacturing Co., Freeport, Long Island, N.Y. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114106 (Sub-No. 64 TA), filed October 8, 1968. Applicant: MAYBELLE TRANSPORT COMPANY, Box 573, 1820 South Main Street, Lexington, N.C. 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium carboxy methyl cellulose*, from Hopewell, Va., to Lanett, Ala., for 150 days. Supporting shipper: Hercules Inc., Traffic Department, Wilmington, Del. 19899. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, BSR Building, Suite 417, 316 East Morehead Street, Charlotte, N.C. 28202.

No. MC 117686 (Sub-No. 91 TA), filed October 7, 1968. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Iowa Beef Packers, Inc., at or near Dakota City, Nebr., and Sioux City, Iowa, to Daytona Beach, Fort Lauderdale, Jacksonville, Miami, Orlando, St. Petersburg, Panama City, Tallahassee, and Tampa, Fla. Restriction: restricted to traffic destined to the above-referenced points in Florida, subject only to shipments which have previously been stopped in transit for partial unloading, alone or via any combination, in the States of Alabama, Georgia, and Tennessee, for 180 days. Supporting shipper: Iowa Beef Packers, Inc., Norm Cummins, Manager, Traffic Services Department, Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124078 (Sub-No. 346 TA), filed October 10, 1968. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry catalyst*, in bulk, in tank vehicles, from Lima, Ohio, to Woodstock, Tenn., for 150 days. Supporting shipper: Vistron Corp., Midland Building, Cleveland, Ohio 44115 (L. W. Petersen, Motor Carrier Corp.). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128527 (Sub-No. 9 TA), filed October 7, 1968. Applicant: MAY TRUCKING COMPANY, Post Office Box 398, Payette, Idaho 83661. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, bulk petroleum, and commodities injurious or contaminating to other lading), between points in Oregon, on the one hand, and, on the other, points in Malheur County, Ore., restricted to operations through Payette, Idaho, for 180 days. NOTE: Applicant does intend to tack with current authority, or interline with other carriers. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 129465 (Sub-No. 5 TA), filed October 9, 1968. Applicant: D & W REFRIGERATED LTL SERVICE, INC., 875 Reynolds Avenue, Columbus, Ohio 43201. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) Cheese, from points in the New York, N.Y., commercial zone as defined by the Commission, and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to Indianapolis, Ind.; points in the Cincinnati, Ohio, commercial zone as defined by the Commission, points in the Cleveland, Ohio, commercial zone as defined by the Commission, Columbus and Dayton, Ohio; points in the Pittsburgh, Pa., commercial zone as defined by the Commission, points in the Charleston, W.Va., commercial zone as defined by the Commission, and Fairmont and Huntington, W. Va.; (b) *candy and cheese*, from points in the New York, N.Y., commercial zone as defined by the Commission and points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to Lexington and Louisville, Ky., for 180 days. Supporting shippers: Otto Roth & Co., Inc., 177-179 Duane Street, New York, N.Y.; The Steward Dry Goods Co., Louisville, Ky. 40201; Hickory Farms of Ohio, Cincinnati, Ohio, Columbus, Ohio, Dayton, Ohio, and Indianapolis, Ind. Send protests to: Ralph P. Long, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 255, New Post Office Building, Columbus, Ohio 43215.

No. MC 129723 (Sub-No. 3 TA), filed October 7, 1968. Applicant: LAND TRUCK LINES, INC., Route 2, Box 15A, Albertville, Ala. 35950. Applicant's representative: John W. Cooper, Suite 1301, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden boxes*, fabricated and knocked down, from Albertville, Ala., to Shreveport, La., with *rejected shipments* on return, for 150 days. Supporting shipper: United Wooden Container Co., Post Office Box 729, Albertville, Ala. 35950. Send pro-

tests to: B. R. McKenzie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 133165 (Sub-No. 1 TA), filed October 8, 1968. Applicant: OHIO & WESTERN LINES CORPORATION, 85 East Gay Street, Room 412, Columbus, Ohio 43215. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, other than in bulk, from Akron, Ohio, to points in Alabama, Arizona, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Nebraska, Nevada, New York, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah and Washington, for 180 days. Supporting shipper: Malco Products Inc., 31 East Lods Street, Post Office Box 148, Akron, Ohio 44309. Send protests to: Ralph P. Long, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 255, New Post Office Building, Columbus, Ohio 43215.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-12634; Filed, Oct. 16, 1968;  
8:50 a.m.]

[Notice 229]

### MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 14, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-70608. By order of October 9, 1968, the Transfer Board approved the transfer to Marion Auto Trucking, a corporation, Jersey City, N.J., of the operating rights in certificate No. MC-75723 issued November 23, 1942, to Lawrence Altomonte, doing business as Marion Auto Trucking, Jersey City, N.J., authorizing the transportation over irregular routes of tobacco and tobacco products between points and places in the New York, N.Y., commercial zone, and defined by the Commission in 1 M.C.C. 665. Joseph S. E. Verga, 591 Summit Avenue, Jersey City, N.J. 07306, attorney for applicants.

No. MC-FC-70822. By order of October 8, 1968, the Transfer Board approved the transfer to William F. Armentrout and

Janice Armentrout, doing business as Armentrout Truck Line, Salisbury, Mo., of certificate No. MC-95711, issued February 12, 1965, to Marion M. Armentrout, doing business as Armentrout Coal & Trucking Service, Salisbury, Mo., authorizing the transportation of: Motor oil and grease, finished or milled woodwork, and roofing, from Kansas City, Kans., to Salisbury, Mo.; turpentine, linseed oil, screen wire, wire fencing nails, window and door frames, plywood and panel boards, sheetrock, ladders, and wood flooring, from Kansas City, Kans., to Prairie Hill, Mo.; serving the intermediate point of Salisbury, Mo.; and roofing, from Kansas City, Kans., to Prairie Hill, Mo. Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101, attorney for applicants.

No. MC-FC-70826. By order of October 9, 1968, the Transfer Board approved the transfer to Mike Conrotto Trucking, a corporation, Gilroy, Calif., of certificate of registration No. MC-99614 (Sub-No. 1) issued February 5, 1964, to Mike Conrotto, doing business as Mike Conrotto Trucking, Gilroy, Calif., evidencing a right to engage in interstate or foreign commerce in the transportation of: Property, between points in California. Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-12635; Filed, Oct. 16, 1968;  
8:50 a.m.]

#### NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 11, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 4714 (Sub-No. 1), dated September 25, 1968. Applicant: B & T TRUCK LINE, Brigham City, Utah. Applicant's representative: Raymond W. Gee, 400 Executive Building, Salt Lake City, Utah 84111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of commodities generally, in local cartage service, over irregular routes, between all points and places within the area included in Brigham City,

Utah, and the 25-mile radius of the boundaries thereof: *Provided, however,* Such transportation shall exclude transportation of commodities in bulk and household goods. Both interstate and intrastate authority sought.

HEARING: Thursday, October 24, 1968, 10 a.m., Public Service Commission of Utah, 330 East Fourth Street, Salt Lake City, Utah. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Utah Public Service Commission, 330 East Fourth Street, Salt Lake City, Utah, and should not be directed to the Interstate Commerce Commission.

State Docket No. 84770 M (Second correction), filed September 5, 1968, published FEDERAL REGISTER, issues of September 18 and September 25, 1968, and republished as corrected this issue. Applicant: WICHITA-SOUTHEAST KANSAS TRANSIT, INC., 624 East Morris, Wichita, Kans. Applicant's representative: Paul V. Dugan, 1400 Wichita Plaza, Wichita, Kans. 67202. NOTE: The purpose of this partial republication is to correct the last paragraph wherein it states "that filing of protests 'should not be' addressed to the Public Utilities Commission of Colorado" in lieu of "should be addressed to the State Corporation Commission, Topeka, Kans. 66612".

HEARING: November 19, 1968, at the Lassen Hotel, Wichita, Kans.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 68-12636; Filed, Oct. 16, 1968;  
8:50 a.m.]

## DEPARTMENT OF STATE

### Agency for International Development

[Delegation of Authority 80]

#### ASSISTANT ADMINISTRATOR FOR ADMINISTRATION AND GENERAL COUNSEL

##### Delegations of Authority Regarding Collection of Claims

Pursuant to the authority vested in me by section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 308 (31 U.S.C. 952), I hereby delegate the following functions and authorities to be exercised in accordance with A.I.D. Regulation 13 (22 CFR Part 13):

1. To the Assistant Administrator for Administration:

a. The administrative collection of claims;

b. The suspension or termination of collection action, upon consultation with the Office of the General Counsel;

c. The referral of claims to the General Accounting Office, upon consultation with the Office of the General Counsel.

2. To the General Counsel:

a. The compromise of claims, upon consultation with the Office of the Controller,

b. The referral of claims to the Department of Justice, upon consultation with the Office of the Controller.

The functions and authorities delegated herein may be redelegated.

This delegation of authority is effective on the date of its publication in the FEDERAL REGISTER.

Dated: October 11, 1968.

WILLIAM S. GAUD,  
Administrator.

[F.R. Doc. 68-12603; Filed, Oct. 16, 1968;  
8:47 a.m.]

[Delegation of Authority 54; Amdt. 3]

#### ASSISTANT ADMINISTRATOR FOR ADMINISTRATION ET AL.

##### Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, of November 3, 1961 (26 F.R. 14860), from the Secretary of State, it is hereby directed that Delegation of Authority No. 54, as amended, be and it is hereby amended further, as follows:

1. Delete the first sentence of the paragraph following paragraph numbered 3 and substitute the following therefor:

"The authorities delegated herein may be redelegated to the Special Assistant (for section 214 programs) to the Assistant Administrator for Administration."

2. This amendment to Delegation of Authority No. 54 is effective immediately.

Dated: October 9, 1968.

WILLIAM S. GAUD,  
Administrator.

[F.R. Doc. 68-12638; Filed, Oct. 16, 1968;  
8:50 a.m.]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Treasury Dept. Order 150-67]

#### COMMISSIONER OF INTERNAL REVENUE

##### Delegation of Authority

Treasury Department Order delegating the authority to compile and publish ordinances as provided in chapter 44, title 18, United States Code.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there is hereby delegated to the Commissioner of Internal Revenue, the function under chapter 44, title 18, United States Code, of compiling, revising annually, publishing in the FEDERAL REGISTER, and distributing the list of published laws of political subdivisions of States determined to be relevant to the enforcement of chapter 44, title 18, United States Code, pertaining to firearms.

The authority herein delegated to the Commissioner of Internal Revenue may

be redelegated by him to any subordinate officer or employee.

Dated: October 11, 1968.

[SEAL] HENRY H. FOWLER,  
Secretary of the Treasury.

[F.R. Doc. 68-12649; Filed, Oct. 16, 1968;  
8:51 a.m.]

## DEPARTMENT OF JUSTICE

### Bureau of Narcotics and Dangerous Drugs

#### STATEMENT OF ORGANIZATION, FUNCTIONS, AND PROCEDURES

In compliance with 5 U.S.C. 552, this notice provides a statement for the guidance of the public of the central and field organization of the Bureau of Narcotics and Dangerous Drugs; the established places at which, and methods whereby, the public may obtain information or make submittals or requests; and the general course and method by which the Bureau's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available. Any revision or amendment of this statement will be published in the FEDERAL REGISTER. A current synopsis of the statement will be published annually by the Office of the Federal Register in the U.S. Government Organization Manual. The previous statements of organization, functions and procedures of the former Bureau of Narcotics of the Treasury Department, and the former Bureau of Drug Abuse Control of the Department of Health, Education, and Welfare are hereby revoked and the following statement is published:

#### Sec.

1. Central organization and functions.
2. Field organization and functions.
3. Public information, requests, and decisions.
4. Formal and informal procedures.

**SECTION 1. Central organization and functions—(a) Official Addresses and Business Hours.** The headquarters offices of the Bureau of Narcotics and Dangerous Drugs are at 633 Indiana Avenue NW., Washington, D.C. 20537, and at Crystal Plaza, Building No. 6, Post Office Box 2079, Arlington, Va. 22202. Correspondence directed to either office will be handled appropriately. Headquarters and field offices are open each business day from 8:30 a.m. to 5 p.m., unless otherwise posted.

**(b) Office of the Bureau Director.** Under the general direction and supervision of the Attorney General of the United States, the Director of the Bureau of Narcotics and Dangerous Drugs is responsible for administering the following narcotics and dangerous drugs laws as set out by the following major laws: Harrison Narcotic Act; Tax on Smoking Opium Act; Narcotic Drugs Import and Export Act; Marihuana Tax Act of 1937; Opium Poppy Control Act of 1942; Narcotic Control Act of 1956; Narcotics Manufacturing Act of 1960; and Drug Abuse Control Amendments of 1965.

Responsible for executive direction of the Bureau and for developing and maintaining high management objectives including:

(1) Assurance that the Bureau of Narcotics and Dangerous Drugs will hold a position of leadership in the area of law enforcement.

(2) Assurance that scientific and educational matters are given appropriate weight in the making of top management decisions.

(3) Assurance that the State and local law enforcement agencies will be given maximum assistance in accomplishing their objectives.

(c) *Office of Administration.* The Assistant Director for Administration serves the Bureau in overall planning, management, and evaluation of the Bureau's resources including funds, manpower, organization, operating systems, and physical property.

(1) Functions as the principal management advisor to the Director in the operation of the individual programs of the Bureau of Narcotics and Dangerous Drugs. Participates fully with the Director in the formulation of policies and procedures in all program areas designed to achieve maximum efficiency and economies.

(2) Plans and directs the Bureau's financial management program including budget formulation and preparation of necessary justifications as requested by the Department; allocation of the appropriation and determination as to the optimum use of available funds; development and operation of a comprehensive accounting and fiscal system.

(3) Develops or directs the preparation of short and long range plans designed to achieve the Bureau's objectives.

(4) Conducts continuing evaluation program of all operational areas through evaluation of progress made against established goals and objectives; manpower utilization analysis; cost/effectiveness analysis; internal audit on-site inspections; and recommendation of changes in program emphasis or alternate courses of action to insure maximum resource utilization with the Bureau's total program.

(5) Responsible for the development and approval of organization structure and functional statements to provide an efficient Bureau operation. Approves organization below Division level.

(6) Plans, develops, or coordinates the development of the Bureau's management information systems including: Issuances systems; management reporting systems; automatic data processing systems; and other operating systems both at headquarters and the field.

(7) Plans and directs the Bureau's personnel management program, embracing recruitment, selection, classification, employee relations, special employment, and career development programs.

(8) Plans and directs the Bureau's administrative services program including acquisition, management, and disposal of the Bureau's motor vehicle fleet; acquisition, selection, and management of

the Bureau's physical plant; and all other services designed to render full and effective support to the operating programs of the Bureau.

(9) Coordinates all activities of the Office of Administration with the Administrative Division of the Department to assure compliance with policy and regulations in the administrative services of the Department to the fullest extent possible.

(d) *Office of the Chief Counsel.* The primary responsibility of the Office of the Chief Counsel is to furnish the Bureau Director in-house capability for performing delegated legal requirements.

(1) Functions as the chief legal officer of the Bureau of Narcotics and Dangerous Drugs and in this capacity participates fully with the Director and other officials in the formulation of policies and procedures. Advises on proposed programs as they might relate to the laws and regulations.

(2) Advises on legal problems involved in the application of international conventions and protocols relating to the illicit drug traffic, and in cooperation with the State Department and the Office of Legal Counsel, Department of Justice, reviews and drafts proposals for new conventions and protocols.

(3) Works with the Department of Justice legal staffs and performs liaison functions with legal offices in other departments, agencies, and bureaus. Prepares reports in connection with legislation in which the Bureau has an interest.

(4) Represents the Director in all adversary proceedings under the Administrative Procedures Act, all hearings required by the narcotic drug and dangerous drug laws, and in all formal Departmental or Civil Service Commission employee adverse action hearings where the employee is represented by an attorney.

(5) Prepares proposed regulations in collaboration with and in support of operating managers.

(6) Reviews and rules on all material related to petitions for remission of penalties and forfeitures arising from violations of the narcotic and dangerous drug laws.

(7) Advises and assists in the formulation of legal curriculum, prepares legal text material, and instructs legal courses at the Bureau's training schools.

(8) Reviews questions of negligence in tort claims and makes determinations in the adjustment of claims against the United States.

(9) Rules on the probable cause for the seizure of all vehicles, vessels, and aircraft under 49 U.S.C. 782, and rules on petitions for remission or mitigation of vehicle forfeitures in accordance with Departmental and Bureau policy.

(10) Executes under seal any certification required to authenticate any books, records, papers, or other documents as true copies.

(11) Reviews State legislation and assists State officials in establishing adequate and uniform controls.

(e) *Office of Information.* This office serves as the initial contact point for all

congressional and public inquiries and in turn all public or congressional information and announcements will originate from this office.

(1) Represents the Bureau in congressional and intra-governmental affairs of a public nature, assuring proper procedure and coordination with the Deputy Attorney General on all related matters.

(2) Directs the preparation of testimony for the Director and staff members for special appearances before congressional committees and hearings.

(3) Researches and composes all press releases originating at headquarters and sets policy on the release of information by field personnel. Arranges for press conferences and interviews for the Director and other staff and field personnel, preparing speeches whenever necessary.

(4) Directs and prepares replies for Director on all inquiries from public, professional, and congressional sources.

(5) Publishes a bulletin for dissemination to law enforcement officials to keep them informed on Bureau activities and drug abuse activity in general.

(6) Determines the need for films, publications, displays, exhibits, and other media and maintains an adequate inventory to properly portray the Bureau's goals to the public and coordinates with graphics facility in the Administrative Services Division.

(7) Develops and maintains an archival system for the Bureau collecting all material relative to the mission of the Bureau; provides a headquarters library; and maintains a record of all public appearance activity.

(f) *Office of Inspection.* This office is responsible for conducting a program of continuing investigation to insure adherence to established policies and codes of conduct by Bureau personnel. Also maintains a continuing surveillance on outside influences that may affect the integrity of the Bureau.

(1) Conducts a program of routine internal security inspections of entire field or headquarters offices to insure that maximum internal security practices are being followed in line with established policies and procedures.

(2) Investigates persons outside the Bureau who try to bribe or otherwise improperly influence Bureau employees or whose actions otherwise affect the integrity of the Bureau.

(3) Establishes guidelines and procedure for the conduct of Federal tort claim investigations and in some situations conducts the actual investigation.

(4) Works with State, local, and other Federal agencies in the investigation of matters of internal security or misconduct of personnel.

(5) Conducts special investigations or inquiries when requested by the Office of the Director or the Department.

(6) Conducts or directs investigations of instances of reported agent impersonation.

(7) Investigates complaints or information indicating possible criminal acts or violations of Bureau rules of conduct

or other improprieties on the part of officials and employees.

(8) Reports findings of inherent weaknesses in the organization or management systems to the Division of Management Analysis and Internal Audit.

(g) *Associate Director for Regulatory and Scientific Programs.* The Associate Director for Regulatory and Scientific Programs is responsible for all program operations pertaining to Scientific, Educational, Regulatory, and Training functions.

(1) Directs all programs of a scientific, educational, regulatory and training nature, establishing the framework for the formulation of operating policies, plans, and procedures needed to effectively accomplish these programs.

(2) Establishes working relationships with governmental, State and private institutions and agencies having a similar scientific, regulatory or educational goal as the Bureau and prescribes a basis for the Field Offices to perform counterpart operations at the local and State level.

(3) Determines optimum methods and program content necessary to accomplish Bureau objectives in the scientific, educational, regulatory, and training areas. Measures output against needs, taking action to rectify deficiencies.

(4) Provides direction to subordinate offices, coordinating their activities with other offices within the Bureau and with outside organizations and agencies.

(h) *Office of Science and Education.* The Assistant Director for Science and Education is responsible for scientific research, educational and laboratory support to prevent the abuse of narcotics and dangerous drugs. In performance of these functions, the Assistant Director:

(1) Coordinates the development and execution of scientific research programs on the social, psychological, physiological, and statistical aspects of drug abuse and addiction.

(2) Coordinates the development of educational programs for the regulated industry, professional groups and associations, and the lay public to prevent illegal sales and abuse of narcotics and dangerous drugs.

(3) Provides laboratory analysis of evidence and expert testimony in support of enforcement missions of the Bureau.

(4) Provides the Director of the Bureau and the Associate Director for Regulatory and Scientific programs with advice on scientific and educational approaches to curtail drug abuse.

(i) *Office of Compliance.* The Assistant Director for Compliance is responsible for all industry regulatory programs, including drug accountability, registration, and Federal-State relations. In the performance of these functions, the Assistant Director:

(1) Participates fully with the Director and other officials in the formulation of Bureau policies, procedures, and standards relating to industry regulatory programs.

(2) Serves as Bureau representative in industry regulatory program activities.

Maintains liaison on these regulatory activities with other Federal agencies, with State enforcement agencies, and with all segments of the drug industry and the medical and related professions.

(3) Provides leadership in all drug industry regulatory activities and provides expertise upon request to state and local officials on industry regulatory problems.

(j) *Office of Training.* The Office of the Assistant Director for Training provides: (1) Each agent with training in the necessary skills for the job in which he is operating; (2) retraining to enable the agent to maintain top efficiency in his job; (3) training which will give the agent additional skills leading to advancement; (4) specialized training program for law enforcement, academic, and industry groups in the area of narcotics and dangerous drugs.

(1) Determines the need, establishes the objectives, designs curriculum, and provides instruction for each specific program of agent training within the Bureau. This includes a detailed determination of subject area, methods of instruction, quality of instruction for each program, and management of the National Training Center.

(2) Provides meaningful training at the National Training Center on a continuing basis to State and local law enforcement officers, college security officers and deans, and pharmaceutical industry personnel. Develops additional training programs for other select groups and cooperating agencies where a need for such training has been established.

(3) Plans and develops a program for training State and local officers at the field locations and provides overall guidance in the operation of these field training programs.

(4) Provides for the systematic appraisal of existing programs; liaison with law enforcement, academic, and industry groups; identification of those areas which are not responsive to program needs; and initiation of corrective action.

(5) Maintains records, including a training profile of each agent to insure their individual career development. Cooperates with and supports the Division of Personnel Management as needed in the career development of all Bureau employees.

(k) *Associate Director for Enforcement.* The Associate Director for Enforcement is responsible for the overall development, direction, and coordination of the Bureau's total criminal investigations programs.

(1) Provides program direction and coordination of the Bureau's criminal investigation activities and establishes the framework within which uniform operating policies, plans, and operational procedures are developed in support of these enforcement programs.

(2) Develops working agreements with national and international companion enforcement agencies and provides guidelines to field officers within which working agreements can be made and maintained at State, local, or foreign country level.

(3) Evaluates the effectiveness of criminal investigational programs conducted by the Bureau and assures that these programs are responsive to the Bureau's needs and the law's requirements. Coordinate the activities of the three subordinate offices with counterpart offices in the Bureau.

(4) Identifies the need and makes recommendations for additional legislation and/or implementing regulations necessary to effectively curtail illegal production and traffic of narcotic and dangerous drugs. Coordinates these recommendations with the Chief Counsel.

(1) *Office of Intelligence and Foreign Operations.* The Assistant Director for Intelligence and Foreign Operations is responsible for all intelligence gathering programs and for the monitoring of investigations as they relate to illicit international traffic in drugs and narcotics. In the performance of these functions, the Assistant Director:

(1) Participates fully with the Bureau Director and other officials in the formulation of Bureau policies, procedures and standards relating to intelligence and foreign operations.

(2) Provides leadership and guidance to the field and headquarters for the Bureau's information finding programs and international investigative activities.

(3) Provides advice to the Associate Director for Enforcement as well as the Bureau Director, Assistant Directors and guidance to Regional Directors on intelligence and foreign operations.

(4) Serves as Bureau representative in all organized crime activities.

(5) Coordinates operations of the foreign offices of the Bureau.

(6) Maintains liaison with officials of other law enforcement agencies for the exchange of intelligence.

(m) *Office of Criminal Investigations.* The Assistant Director for Criminal Investigations is responsible for following-up intelligence and performing operations related to domestic investigations. In the performance of these functions, the Assistant Director:

(1) Participates fully with the Bureau Director in the formulation of plans, policies, and procedures necessary for the accomplishment of domestic criminal investigations.

(2) Provides program direction of the Bureau's domestic investigational activities and establishes the framework within which uniform operating policies and plans are developed.

(3) Monitors and directs domestic field investigations relating to the illicit sale, possession, diversion, and production of narcotic, stimulant, depressant, and hallucinogenic drugs.

(4) Evaluates the effectiveness of investigational programs conducted by the Bureau and assures that these programs are responsive to the Bureau's needs, policies, and objectives.

(5) In conjunction with the Chief Counsel, identifies the need and makes recommendations for additional legislation and/or regulations necessary to effectively curtail the illegal distribution of narcotic, stimulant, depressant, and

hallucinogenic drugs, and the production and trafficking of counterfeit drugs.

(6) Maintains liaison with law enforcement agencies for exchange of information and cooperation in suppression of the traffic in narcotics and dangerous drugs and other matters of mutual interest.

(7) Studies and reports to interested Bureau offices trends in domestic traffic in narcotics and dangerous drugs.

(8) Prepares pertinent reports and papers relative to all facets of the domestic enforcement program.

(n) *Office of Investigative Services.* The Assistant Director for Investigative Services is responsible for providing technical support to the total enforcement program and participating in the planning of the enforcement effort.

(1) Develops, publishes, and updates technical guidelines for field investigative operations.

(2) Defines and maintains the Bureau's investigative reporting system, utilizing automated data processing techniques when applicable. Compiles enforcement reports and statistics.

(3) Evaluates the efficacy of existing investigative systems and procedures and makes recommendations for improvement that will lead to increased enforcement effectiveness.

(4) Participates in the internal audit function, lending technical expertise to the Division of Management Analysis and Internal Audit.

(5) Examines enforcement needs of the Bureau in light of internal and external changes, making recommendations to the Assistant Director of Administration in the planning area.

SEC. 2. *Field organization and functions—(a) Regional Office Functions.* (1) Carries out assigned programs designed to eliminate the abuse of narcotic and dangerous drugs.

(2) Conducts and participates in educational and voluntary compliance activities designed to prevent and forestall the necessity for punitive action to be taken by Federal and State authorities in their efforts to control drug abuse.

(3) Conducts overt and covert investigations to prevent illegal traffic in narcotic and dangerous drugs and counterfeit drugs; takes appropriate civil and/or criminal action when violations of the Drug Abuse Control Amendments and narcotic laws are encountered.

(4) Audits inventory records of manufacturers and distributors of narcotic and dangerous drugs to determine whether there is diversion of such drugs from legitimate channels of distribution; initiates remedial action.

(5) Advises manufacturers and distributors of stimulant and depressant drugs as requested in developing and maintaining such records and controls that will discourage and detect illegal diversions and will facilitate inventory audits by BNDD.

(6) Holds hearings for violators of the Drug Abuse Control Amendments and narcotic laws when violations occur and recommends appropriate regulatory action.

(7) Maintains working relationships with State and local (in the foreign regions, relationships would include foreign agencies) police and narcotic enforcement officials, and with Federal law enforcement officials.

(8) Conducts regional training sessions and seminars for the benefit of State and local law enforcement officials.

(9) Accumulates intelligence data on all criminal group activities for Bureau use and dissemination to the appropriate Federal agencies.

(b) *Regional Office Organization.* There are 17 regional offices of the Bureau of Narcotics and Dangerous Drugs. The following is a listing of the regional offices; the location of the regional headquarters; and the States or areas covered by each regional office:

Region 1—Boston, Mass. Maine, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region 2—New York, N.Y. New York, Northern New Jersey.

Region 3—Philadelphia, Pa. Delaware, Southern New Jersey, Pennsylvania.

Region 4—Baltimore, Md. District of Columbia, Maryland, North Carolina, Virginia, West Virginia.

Region 5—Miami, Fla. Florida, Georgia, South Carolina.

Region 6—Detroit, Mich. Kentucky, Michigan, Ohio.

Region 7—Chicago, Ill. Illinois, Indiana.

Region 8—New Orleans, La. Alabama, Arkansas, Louisiana, Mississippi, Tennessee.

Region 9—Minneapolis, Minn. Minnesota, North Dakota, South Dakota, Wisconsin.

Region 10—Kansas City, Mo. Iowa, Kansas, Missouri, Nebraska.

Region 11—Dallas, Tex. Oklahoma, Texas.

Region 12—Denver, Colo. Arizona, Colorado, New Mexico, Utah, Wyoming.

Region 13—Seattle, Wash. Alaska, Idaho, Montana, Oregon, Washington.

Region 14—Los Angeles, Calif. California, Hawaii, Nevada.

Region 15—Mexico City, Mexico. Central and South America.

Region 16—Rome, Italy. Europe and Middle East.

Region 17—Bangkok, Thailand. Far East.

SEC. 3. *Public information, requests, and decisions—(a) Public Information.*

Requests for final opinions and all orders made in the adjudication of cases, those statements of policy and interpretations which have been adopted and not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public and other Bureau of Narcotics and Dangerous Drugs records or information may be made in person or by correspondence as provided in Part 16 of Title 28 of the Code of Federal Regulations.

(b) *Requests and decisions.* Submittals, requests for decisions, or other requests, concerning any of the provisions listed in section 4 below, may be made in person or by correspondence to the Director, Bureau of Narcotics and Dangerous Drugs, at either principal office as outlined in the above section 1, or with the appropriate Regional Director in the above section 2.

SEC. 4. *Formal and informal procedures.* The formal and informal provisions relating to functions of the Bureau of Narcotics and Dangerous Drugs may

be found in the Code of Federal Regulations. The provisions relating to importation and exportation of narcotic drugs are in 21 CFR Part 302; the provisions relating to the growing of opium poppies are in 21 CFR Part 303; the provisions relating to the determination of substances as "opiates" are in 21 CFR Part 305; the provisions relating to the surrender of heroin are in 21 CFR Part 306; the provisions relating to the manufacture of narcotic drugs are in 21 CFR Part 307; the provisions relating to the regulatory taxes on smoking opium are in 21 CFR Part 150; the provisions relating to the regulatory taxes on narcotic drugs are in 26 CFR Part 151; the provisions relating to the regulatory taxes on marihuana are in 26 CFR Part 152; the provisions relating to seizures of vehicles, vessels, and aircraft under the Act of August 9, 1959, are in 26 CFR Part 153; pursuant to the Drug Abuse Control Amendments of 1965, provisions for informal hearings are in 21 CFR Part 315 and the provisions for public hearings are in 21 CFR Part 316; the provisions relating to registration of "depressant or stimulant" drug handlers are in 21 CFR § 320.6; the provisions relating to the investigational use of certain hallucinogenic drugs are in 21 CFR § 3.47; the list of drugs that have been officially designated as habit-forming is in 21 CFR Part 319; and, the provisions relative to the control of "depressant or stimulant" drugs are in 21 CFR Part 320.

Additionally, provisions relating to Government employment and the purchase, sale, and disposition of Government property, are found in the respective procedures prescribed in the Federal Personnel Manual and the General Services Administration regulations. For specific instructions in connection with these procedures interested persons may request conferences with the officials listed in this notice and assistance will be provided.

**Effective date.** This notice shall be effective when published in the FEDERAL REGISTER.

JOHN E. INGERSOLL,  
Director, Bureau of  
Narcotics and Dangerous Drugs.

[F.R. Doc. 68-12614; Filed, Oct. 16, 1968;  
8:48 a.m.]

*Stat. 602*). The exercise of all authorities vested in the Secretary of the Interior to approve the appointment of guardians and conservators for the estates of the Palm Springs (Agua Caliente) Indians and to take the necessary administrative actions as provided in the subject act and any amendatory acts thereof.

F. M. HAVERLAND,  
Acting Commissioner.

[F.R. Doc. 68-12635; Filed, Oct. 16, 1968;  
10:01 a.m.]

[Sacramento Area Office Redlegation  
Order 1, Amdt. 5]

### SPECIFICALLY DESIGNATED EMPLOYEES

#### Redelegation of Authority With Respect to Specific Legislation

Sacramento Order 1 (21 F.R. 1296), as amended (22 F.R. 4074, 23 F.R. 763 and 6842, and 24 F.R. 9402), is further amended to add a new Part 3, Authority of Specifically Designated Employees, with section 3.380 thereunder. As added, Part 3 reads as follows:

#### PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES

##### FUNCTIONS RELATING TO SPECIFIC ACTS

Sec. 3.380. *Authority under Act of September 21, 1959 (Public Law 86-339; 73 Stat. 602)*. The Director, Palm Springs Office, is authorized to exercise all authority vested in the Secretary of the Interior in said act, and in all acts amendatory thereof, delegated to the Commissioner of Indian Affairs in Secretary's Order 2508, section 30(a)(39) (Amdt. 77, F.R. Doc. 68-12738, *infra*), and redelegated to the Area Director, Sacramento Area, in Bureau Order 551, section 380 (Amdt. 122, F.R. Doc. 68-12739, *supra*).

WILLIAM E. FINALE,  
Area Director.

Approved: October 15, 1968.

T. W. TAYLOR,  
Acting Commissioner.

[F.R. Doc. 68-12740; Filed, Oct. 16, 1968;  
10:01 a.m.]

### Bureau of Land Management

[Serial No. I-2468]

### IDAHO

#### Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 10, 1968.

The Department of Agriculture has filed an application, Serial No. I-2468 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for the Lander Cut-Off of the Oregon Trail Historical Area, Caribou National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

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 Department of Agriculture.

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:

BOISE MERIDIAN, IDAHO  
CARIBOU NATIONAL FOREST

Lander Cut-Off of the Oregon Trail Historical Area

A strip of land 100 feet on each side of the centerline of the Lander Cut-Off, Oregon Trail, through the following described subdivisions:

T. 6 S., R. 44 E.,  
Sec. 1, Lot 7 and HES 765;  
Sec. 2, Lot 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$  and HES 765;  
Sec. 12, W $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 6 S., R. 45 E.,  
Sec. 18, Lot 4;  
Sec. 19, Lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$   
SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 20, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 29, NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$   
SE $\frac{1}{4}$ ;  
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 34, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 35, S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ .  
T. 7 S., R. 45 E.,  
Sec. 1, Lots 1, 2, and 5.  
T. 7 S., R. 46 E.,  
Sec. 6, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described aggregates approximately 245 acres in Caribou County, Idaho.

ORVAL G. HADLEY,  
Manager, Land Office.

[F.R. Doc. 68-12593; Filed, Oct. 16, 1968;  
8:46 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Bureau Order 551, Amdt. 122]

### AREA DIRECTORS

#### Delegation of Authority Under Specific Legislation

OCTOBER 15, 1968.

Order 551, as amended, is further amended by the addition of a new section 380, under Functions Relating to Specific Legislation. As added, the new section 380 reads as follows:

Sec. 380. *Authority under act of September 21, 1959 (Public Law 86-339; 73*

[New Mexico 4830]

## NEW MEXICO

## Notice of Proposed Classification

OCTOBER 11, 1968.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the land described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, for lands within Hidalgo County, N. Mex.

The District Advisory Board, local governmental officials and other interested parties have been notified of this application. Information derived from discussions and other sources indicates that these lands meet the criterion of 43 CFR 2410.1-3(c) (4), which authorizes classification of lands "for exchanges under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which we need for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex. 87501; Las Cruces District Manager, Bureau of Land Management, Post Office Box 1420, Las Cruces, N. Mex. 88001; and Roswell District Manager, Bureau of Land Management, Post Office Box 1397, Roswell, N. Mex. 88201.

For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Las Cruces or Roswell District Office.

The lands affected by this proposal are located in Lincoln and Guadalupe Counties, N. Mex., and are described as follows:

## NEW MEXICO PRINCIPAL MERIDIAN

- T. 1 N., R. 16 E.,  
 Sec. 3, lots 1, 2, 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;  
 Secs. 10, 11, and 12;  
 Sec. 13, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 14, W $\frac{1}{2}$ E $\frac{1}{2}$ , and W $\frac{1}{2}$ ;  
 Sec. 15.  
 T. 2 N., R. 16 E.,  
 Sec. 3, lots 1, 2, 3, 4, and S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
 Sec. 4, lots 1 and 2;  
 Sec. 9, W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Secs. 13, 14, and 15;  
 Sec. 21, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Sec. 22, W $\frac{1}{2}$ ;  
 Sec. 24;  
 Sec. 25, W $\frac{1}{2}$ ;  
 Sec. 26;  
 Sec. 28, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
 Sec. 33, E $\frac{1}{2}$  and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 34, E $\frac{1}{2}$  and W $\frac{1}{2}$ W $\frac{1}{2}$ .  
 T. 1 N., R. 17 E.,  
 Sec. 3;  
 Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 5, lots 1, 2, 3, 4, N $\frac{1}{2}$ S $\frac{1}{2}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 7, lots 1, 2, 3, 4, and E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
 Sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Secs. 17 and 18.

- T. 2 N., R. 17 E.,  
 Sec. 14, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Secs. 17, 18, 19, and 20;  
 Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and SE $\frac{1}{4}$ ;  
 Sec. 22;  
 Sec. 23, W $\frac{1}{2}$ ;  
 Sec. 25;  
 Sec. 26, W $\frac{1}{2}$ ;  
 Sec. 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 33, NE $\frac{1}{4}$ , W $\frac{1}{2}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
 T. 11 S., R. 20 E.,  
 Sec. 3, lots 5, 6, and 7;  
 Sec. 4, lots 5 to 15, inclusive;  
 Sec. 5, lots 1, 2, 3, and 4;  
 Sec. 8;  
 Sec. 9, lots 1 to 8, inclusive;  
 Sec. 10, lot 4.

The areas described aggregate 20,764.99 acres.

B. BUFFINGTON,  
 Acting State Director.

[F.R. Doc. 68-12594; Filed, Oct. 16, 1968;  
 8:46 a.m.]

## NEW MEXICO

## Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 10, 1968.

Notice of an application, Serial No. New Mexico 0556981, for withdrawal and reservation of lands was published as Federal Register Document No. 65-5435 on pages 7017 and 7018 of the issue for May 25, 1965. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2311.1-2(b), such lands will be at 10 a.m. on October 30, 1968, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

## NEW MEXICO PRINCIPAL MERIDIAN

## LINCOLN NATIONAL FOREST

## Oak Grove Picnic Ground

- T. 10 S., R. 11 E. (unsurveyed),  
 Sec. 36, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 10 S., R. 12 E. (unsurveyed),  
 Sec. 35, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described aggregate 72.50 acres, more or less.

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

[F.R. Doc. 68-12595; Filed, Oct. 16, 1968;  
 8:46 a.m.]

[New Mexico 0556981]

## NEW MEXICO

## Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 10, 1968.

The Forest Service, U.S. Department of Agriculture, has filed an amendment to application, New Mexico 0556981, for the withdrawal of additional lands described

below, from location and entry under the mining laws. The applicant desires the lands for additions to recreation areas.

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

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

## GILA NATIONAL FOREST

## Lake Roberts Recreation Area

- T. 15 S., R. 13 W.,  
 Sec. 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ .  
 Gila River Streamside Zones (West, Middle and East Forks)  
 T. 13 S., R. 13 W.,  
 Sec. 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The areas described above aggregate 120.00 acres.

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

[F.R. Doc. 68-12596; Filed, Oct. 16, 1968;  
 8:46 a.m.]

## CALIFORNIA

## Public Sale

OCTOBER 11, 1968.

Pursuant to the Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421-27) and 43 CFR Subpart 2243, there will be offered to the highest bidder, but at not less than the appraised value, at a public sale to be held at 11 a.m., local time, on November 19, 1968, at the District and

Land Office, 1414 University Avenue, Riverside, Calif., the following tract of public land in San Bernardino County, Calif.:

Parcel No.	Description	Acreage	Appraised value	Publication cost
R 476	T. 10 N., R. 1 E., SBM, California: Section 20, All Section 17, Lot 11	658.94	\$131,750	\$20.43

The land will be sold subject to a reservation to the United States of rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. sec. 945); and subject to existing rights-of-way. All minerals will be reserved to the United States and withdrawn, by operation of law, from appropriation under the public land laws.

Bids may be made by the principal or his agent. Only bids for the entire tract will be considered. Sealed bids will be considered only if received at the District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, Calif., 92502, prior to 10 a.m., November 19, 1968. Each sealed bid must be in an envelope marked in the lower left-hand corner "Public Sale Bid, November 19, 1968, Parcel No. R 476." Each bid must be accompanied by certified check, post office money order, bank draft, or cashier's check made payable to the Bureau of Land Management, for the amount of the bid plus the cost of publication. After publicly opening and declaring the highest qualifying sealed bid received, the authorized officer shall invite oral bids in specified increments. The person, if any, declared to have entered the highest qualifying oral bid must promptly submit payment in a form acceptable for a sealed bid. Payment shall be for the amount of the bid plus the cost of publication indicated above. The right is reserved at any time to determine that the lands should not be sold, or that any and all bids should be rejected.

For further information write: Manager, District and Land Office, 1414 University Avenue, Post Office Box 723, Riverside, Calif. 92502.

WALTER F. HOLMES,  
Assistant Manager,  
District and Land Office.

[F.R. Doc. 68-12622; Filed, Oct. 16, 1968;  
8:49 a.m.]

#### National Park Service

[Order No. 3]

#### ADMINISTRATIVE CLERK, ET AL., HOPEWELL VILLAGE NATIONAL HISTORIC SITE

#### Delegation of Authority Regarding Purchase Orders for Supplies, Equipment, and Services

SECTION 1. *Administrative Clerk.* The Administrative Clerk of Hopewell Village National Historic Site may issue purchase orders not in excess of \$500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

SEC. 2. *Revocation.* This order supercedes Order No. 2 issued January 22, 1964. (National Park Service Order 34 (31 F.R. 4255), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order No. 5 (31 F.R. 8135))

Dated: September 26, 1968.

JOHN C. W. RIDDLE,  
Superintendent, Hopewell  
Village National Historic Site.

[F.R. Doc. 68-12597; Filed, Oct. 16, 1968;  
8:47 a.m.]

#### Office of the Secretary

[Secretary's Order 2508, Amdt. 77]

#### COMMISSIONER OF INDIAN AFFAIRS

#### Delegation of Authority Under Specific Legislation

Order 2508, as amended, is further amended by the addition under section 30(a) of a new subparagraph 39. As amended, section 30 reads as follows:

SEC. 30. *Authority under specific acts.*

a. In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

(39) Act of September 21, 1959 (Public Law 86-339; 73 Stat. 602), which provides for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes.

b. \* \* \*

STUART L. UDALL,  
Secretary of the Interior.

OCTOBER 15, 1968.

[F.R. Doc. 68-12738; Filed, Oct. 16, 1968;  
10:01 a.m.]

#### DEPARTMENT OF AGRICULTURE

#### Agricultural Stabilization and Conservation Service

[Notice 2, Amdt. 1]

#### RAW SUGAR

#### Importation for Refining and Storage

Pursuant to provisions of paragraph (d) of § 817.8 (32 F.R. 14363) a notice was issued and published in the FEDERAL REGISTER on October 1, 1968 (33 F.R. 14655), which provided that during the period October 1, 1968, through the close of business December 31, 1968, raw sugar

may be authorized for release for importation by or delivery to a refiner for the sole purpose of refining and storage at north of Hatteras locations without effect on a quota at the time of importation. That notice limited the total quantity of sugar which could be so imported under bond to 75,000 short tons, raw value. Such notice is hereby amended to provide that the total quantity of sugar which may be imported under bond shall be limited to 150,000 short tons, raw value.

In view of the possibility of a waterfront work stoppage as of December 20, 1968, cane sugar refiners and food processors may be expected to increase their operating rates and to stockpile sugar and sugar-containing products. Accordingly, the 75,000-ton limit set on sugar importations is hereby increased to 150,000 short tons, raw value. The terms of entry remain as set forth in the original notice.

Signed at Washington, D.C., this 15th day of October 1968.

ORVILLE L. FREEMAN,  
Secretary.

[F.R. Doc. 68-12687; Filed, Oct. 16, 1968;  
8:51 a.m.]

#### Office of the Secretary

#### NEBRASKA

#### Designation of Counties Within the Great Plains Area of the Ten Great Plains States Where the Great Plains Conservation Program is Specifically Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p (b)), as amended, the following counties in the following State are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

#### NEBRASKA

Grant. Hooker.

Done at Washington, D.C. this 11th day of October 1968.

JOHN A. BAKER,  
Assistant Secretary.

[F.R. Doc. 68-12619; Filed, Oct. 16, 1968;  
8:48 a.m.]

#### DEPARTMENT OF COMMERCE

#### Business and Defense Services Administration

#### UNIVERSITY OF SOUTHERN CALIFORNIA ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application if published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00105-33-46500. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Ultramicrotome, LKB8800 Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in connection with experiments to detect virus particles in human and animal tumor study materials. The materials must be sectioned very thin with this ultramicrotome for observation under the electron microscope. On occasions, the ultrathin sections must be prepared in long series and cut in equal thickness throughout. Application received by Commissioner of Customs: August 12, 1968.

Docket No. 69-00189-33-46500. Applicant: Yale University School of Medicine, 333 Cedar Street, New Haven, Conn. 06510. Article: Ultramicrotome, Reichert Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used for sectioning sections of bone-containing tissue about 600 angstrom units in thickness for electron microscopy. The research connected with this article is a part of an investigation concerning calcification and bone formation. Application received by Commissioner of Customs: September 23, 1968.

Docket No. 69-00190-33-46040. Applicant: State University College at Plattsburgh, Plattsburgh, N.Y. 12901. Article: Electron microscope, Model Elmiskop 1A. Manufacturer: Siemens A. G., West Germany. Intended use of article: The article will be used as an essential tool to biology involving studies of the interrelationship between structure and function at the subcellular level. It would enable directed student participation in the study of subcellular ultrastructure and its in-

terrelationships with biochemical and biophysical function. By incorporating an electron microscope into several courses presently offered, the student will not only acquire experience with a new technique of investigation but may discover new knowledge from his endeavors. Application received by Commissioner of Customs: September 23, 1968.

Docket No. 69-00191-82-04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, 100-gram capacity single-pan, Model Voland 100-G. Manufacturer: Voland Co., Japan. Intended use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89-164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Application received by Commissioner of Customs: September 24, 1968.

Docket No. 69-00192-82-04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, 1-kilogram capacity single-pan, Model CB 1000. Manufacturer: Mettler Instrument Corp., Switzerland. Intended use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89-164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Application received by Commissioner of Customs: September 24, 1968.

Docket No. 69-00193-82-04000. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Precision balance, constant-load 3-kilogram capacity single-pan, Model Voland 3-Kg. Manufacturer: Voland Corp., Japan. Intended use of article: The article will be used to provide new weights and measures standards and precision instruments to each of the 50 States (Public Law 89-164, 1965). Its purpose will be to conduct precise calibration of weights, as well as to determine accuracy of weights and scientific material. Application received by Commissioner of Customs: September 24, 1968.

CHARLEY M. DENTON,  
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12574; Filed, Oct. 16, 1968; 8:45 a.m.]

## UNIVERSITY OF TEXAS

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

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

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00620-33-46040. Applicant: The University of Texas Medical School, 715 Stadium Drive, San Antonio, Tex. 78212. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens Aktiengesellschaft, West Germany. Intended use of article: The article will be used for biological research in the following areas:

1. Ultrastructural studies of ovarian steroid-secreting cells will be carried out with emphasis on the localization of specific enzymes with mitochondria and associated with membranes of the endoplasmic reticulum.

2. Investigations will be continued on the localization of indole amines and catecholamines in various areas of the central nervous system.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant submitted the application.

Reasons: As of July 1, 1968, the Radio Corporation of America (RCA) has been in a position to furnish its Model EMU-4 electron microscope with a guaranteed resolution of 5 angstroms point-to-point, whereas the guaranteed resolution of the RCA Model EMU-4 prior to July 1, 1968 was 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolution.) In addition, the current RCA Model EMU-4 provides accelerating voltages of 25, 50, 75, and 100 kilovolts, whereas the prior Model EMU-4 provided only 50 and 100 kilovolt accelerating voltages. The comparison of the foreign article's pertinent characteristics and pertinent specifications is made with reference to the similar pertinent characteristics and pertinent specifications of the prior Model EMU-4, inasmuch as the application was received about 30 days prior to the date on which the current specifications of the RCA Model EMU-4 became effective. The foreign article's guaranteed resolution of 3.5 angstroms point-to-point, exceeds even the guaranteed resolution of the current RCA Model EMU-4. For the studies for which the foreign article is intended to be used, the highest obtainable resolution is pertinent. In regard to accelerating voltages, the foreign article provides 40, 60, 80, and 100 kilovolts. The applicant's research program involves the use of negatively stained specimens and it has been experimentally established that the accelerating voltages between 50 and 100 kilovolts provide optimum contrast for negatively stained specimens. For the foregoing reasons, we find that the prior RCA Model EMU-4 was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured at the time the institution submitted the application.

CHARLEY M. DENTON,  
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12573; Filed, Oct. 16, 1968; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration  
GENERAL ANILINE & FILM CORP.

### Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9B2335) has been filed by General Aniline & Film Corp., 140 West 51st Street, New York, N.Y. 10020, proposing that § 121.2541 *Emulsifiers and/or surface-active agents* (21 CFR 121.2541) be amended to provide for the safe use of the following substances as emulsifiers and/or surface-active agents in the manufacture of food-packaging materials:

1.  $\alpha$ -(*p*-Nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 49-59 and that are produced by the esterification of  $\alpha$ -(*p*-nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) complying with the identity prescribed in § 121.2541(c) and having an average poly(oxyethylene) content of 5.5-6.5 moles.

2.  $\alpha$ -(*p*-Nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 62-72 and that are produced by the esterification of  $\alpha$ -(*p*-nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) complying with the identity prescribed in § 121.2541(c) and having an average poly(oxyethylene) content of 9-10 moles.

3.  $\alpha$ -(*p*-Nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 98-110 and that are produced by the esterification of  $\alpha$ -(*p*-nonylphenyl)- $\omega$ -hydroxypoly(oxyethylene) complying with the identity prescribed in § 121.2541(c) and having an average poly(oxyethylene) content of 45-55 moles.

4.  $\alpha$ -Tridecyl- $\omega$ -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate es-

ters that have an acid number (to pH 5.2) of 75-85 and that are produced by the esterification of the condensation product of one mole of "oxo" process tridecyl alcohol with 5.5-6.5 moles of ethylene oxide.

5.  $\alpha$ -Tridecyl- $\omega$ -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 58-70 and that are produced by the esterification of the condensation product of one mole of "oxo" process tridecyl alcohol with 9-10 moles of ethylene oxide.

6.  $\alpha$ -Dodecyl- $\omega$ -hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters that have an acid number (to pH 5.2) of 103-111 and that are produced by the esterification of the condensation product of 1 mole of *n*-dodecyl alcohol with 4-4.5 moles of ethylene oxide.

Dated: October 9, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-12629; Filed, Oct. 16, 1968; 8:49 a.m.]

### MORTON INTERNATIONAL INC.

#### Notice of Filing of Petition for Food Additive Calcium Periodate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Morton International Inc., 110 North Wacker Drive, Chicago, Ill. 60606, proposing that § 121.313 *Calcium periodate* (21 CFR 121.313) be amended to provide for the safe use of calcium periodate in granular salt for animal use as a source of iodine.

Dated: October 9, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-12630; Filed, Oct. 16, 1968; 8:49 a.m.]

### NATIONAL LABORATORIES CORP.

#### Notice of Withdrawal of Petition for Food Additive Furosemide

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The National Laboratories Corp., 1722 Main Street, Kansas City, Mo. 64108, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of October 28, 1967 (32 F.R. 14990), proposing the issuance of a food additive regulation to provide for the safe use of furosemide (4-chloro-N-furfuryl-5-sulfamoylanthranilic acid) as

a diuretic-saluretic in cattle by parenteral or oral administration.

Dated: October 9, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-12631; Filed, Oct. 16, 1968; 8:49 a.m.]

### WESTINGHOUSE ELECTRIC CORP.

#### Notice of Withdrawal of Petition for Food Additives

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Westinghouse Electric Corp., 3 Gateway Centre, Pittsburgh, Pa. 15230, has withdrawn its petition (FAP 7M2099), notice of which was published in the FEDERAL REGISTER of November 2, 1966 (31 F.R. 14013), proposing an amendment to § 121.3006 *Ultraviolet radiation for the processing and treatment of food* to provide for certain additional safe uses of ultraviolet radiation.

Dated: October 9, 1968.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 68-12632; Filed, Oct. 16, 1968; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 20262; Order 68-10-59]

AIR WEST, INC. ET AL.

### Order Denying Petition Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of October 1968.

By petition filed September 20, 1968, 12 carriers<sup>1</sup> request authority to hold discussions of differentials in, or adjustments to, passenger fares between any and all points in the United States, and between points in the United States and points in Canada. The petition is an outgrowth of a meeting convened on September 11, 1968, pursuant to authority granted by the Board in Order 68-7-138, as amended, to explore the possibility of developing specific proposals for fare adjustments as a means of alleviating air traffic congestion at New York, Chicago, Los Angeles, and Washington.<sup>2</sup>

The petitioners allege that, among the concepts considered at the meeting, one

<sup>1</sup> Air West, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northeast Airlines, Inc., Piedmont Airlines, Southern Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc.

<sup>2</sup> The authority granted in Order 68-7-138 expired Sept. 24, 1968.

in particular appeared to certain of the carriers represented to provide a basis upon which a practical proposal might be developed, provided that it could be applied system-wide and not be limited to the four cities encompassed by the Board's order. This concept would limit the availability of discounted reserved-seat fares to flights arriving and departing during the late evening and early morning hours. It is alleged that it would not be feasible nor sound rate-making to develop meaningful fare adjustments to apply only at selected points. Several potential difficulties are cited; for example, a fare adjustment at Washington would create a problem with respect to passengers arriving at or departing from Friendship Airport which is, in fact, used to serve Washington as well as Baltimore; disparities would arise with respect to passengers on through flights which serve one of the four cities as an intermediate point and where fares to certain points are normally commoned.

The petition points out that only a minority of the petitioners are of the view that a workable proposal can be developed even with the broader authority requested, but that all are willing to devote further time and effort to a thorough study of the concept in view of the seriousness of the traffic congestion problem. Finally, it is urged that the authorization not be limited as to the nature and type of adjustments which may be discussed, since further exploration may lead to development of modified, or completely new concepts.

On September 26, 1968, National Airlines, Inc. (National), filed an answer to the petition which records that it does not favor further discussion on fares. It is National's belief that adjustments in fares will not provide a solution to the congestion problem; that attempts to design fare differentials for peak hours, with peak hours known to vary by market, could result in turning an already complicated fare structure into a chaotic one.

The Board has carefully weighed the arguments advanced by the petitioners in relation to the critical problem of congestion at certain of our major hub airports and has decided to deny the request for broader authority to discuss fares. We recognize the difficulties which may be encountered in attempting to apply fare adjustments at certain cities only, although we are not convinced that they are insurmountable. In this connection, we note that certain carriers regard a more limited concept as promising, and most are prepared to pursue this approach further in the event the broader authority here requested is not granted.<sup>3</sup>

The Board's decision to authorize discussion of fare adjustments to and from the four cities at which air traffic congestion has become the most severe was, in itself, an extraordinary measure com-

elled by unusual and critical circumstances. Certainly, alleviation of this congestion continues to be an objective of the highest priority. However, as we noted in our earlier order, the independent establishment of fares is a matter which reaches the very heart of the competitive system. In addition, a majority of the carriers does not believe that further discussion would be fruitful, even with the broader authority being sought. For these reasons, the Board is unable to conclude that the grant of antitrust immunity for discussions looking toward a substantial restructuring of fares throughout the country can be justified by the immediate problem of congestion at a relatively few airports, major traffic centers though they are.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 412 thereof,

*It is ordered, That:*

The petition in Docket 20262 for authority to hold discussions is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
*Secretary.*

[F.R. Doc. 68-12644; Filed, Oct. 16, 1968;  
8:50 a.m.]

[Docket No. 20291; Order 68-10-57]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of October 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which was adopted at the Cannes Worldwide Passenger Fare Conference, has been assigned the above-designated CAB agreement number and is intended to become effective October 15, 1968.

The agreement, as it affects air transportation as defined by the Act, amends group travel fares for furloughed U.S. military personnel and their dependents by establishing reduced round-trip fares for groups of 25 or more persons traveling from a number of European points to New York or Boston and return. Based on round-trip economy-class fares from Europe to New York, the reductions would range from 49 to 53 percent. These fares, which would be available during the months of December and January, would be offered in addition to the current holiday fares for furloughed military personnel for groups of 15 or more persons and would be subject to the same conditions of travel.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board, does not find the following IATA resolution, incorporated in the agreement indicated, to be adverse to the public interest or in violation of the Act.

CAB agreement	IATA No.	Title	Application
20559, R-1..	089	Group travel fares for U.S. military personnel and dependents.	1/2

2. The Board finds that, on the basis of all facts presently known, the following resolution, incorporated in the Agreement indicated, does not affect air transportation within the meaning of the Act:

CAB agreement	IATA No.	Title	Application
20559, R-2..	089b	Group travel fares for Canadian armed forces personnel and dependents.	1/2

*Accordingly, it is ordered, That:*

1. That portion of Agreement CAB 20559, as set forth in finding paragraph 1, is approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 20559, as set forth in finding paragraph 2.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
*Secretary.*

[F.R. Doc. 68-12645; Filed, Oct. 16, 1968;  
8:50 a.m.]

[Docket No. 20214]

## MIDWEST AVIATION, LTD.

### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 24, 1968, at 10 a.m., e.d.t., in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., October 11, 1968.

[SEAL] THOMAS L. WRENN,  
*Chief Examiner.*

[F.R. Doc. 68-12646 Filed, Oct. 16, 1968;  
8:50 a.m.]

<sup>3</sup> This concept would make discounted reserved-seat fares inapplicable to flights departing the three airports which serve New York City during certain peak hours.

[Docket No. 19790; Order 68-10-52]

**SEDALIA, MARSHALL, BOONVILLE  
STAGE LINE, INC.**

**Order To Show Cause Regarding  
Establishment of Service Mail Rate**

Issued under delegated authority on October 11, 1968.

By notice of intent filed on April 1, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Sedalia, Marshall, Boonville Stage Line, Inc. (Sedalia), an air taxi operator, a final service mail rate of 37.47 cents per great circle aircraft mile for the transportation of mail by aircraft between Texarkana and Dallas, Tex. Subsequently, this final mail rate was established by Order E-26980, dated June 25, 1968.

On September 19, 1968, the Postmaster General filed a petition on behalf of Sedalia stating that since the start of operations by Sedalia the Post Office Department has added to its requirements for air taxi operators and there have been certain unanticipated cost increases in connection with the operation which make operation under the old rate economically unfeasible. Because of these increased costs, the Postmaster General petitions a new final service mail rate of 43.83 cents per great circle aircraft mile for the transportation of mail by aircraft between Texarkana and Dallas, Tex. The Postmaster General states that the proposed rate is acceptable to the Department and the carrier and represents a fair and reasonable rate of compensation for the performance of these services under the present requirements of the Department.

The Board finds it is in the public interest to determine, adjust, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the Postmaster General's petition and other matters officially noticed, it is proposed to issue an order<sup>1</sup> to include the following findings and conclusions:

On and after September 19, 1968, the fair and reasonable final service mail rate to be paid in its entirety to Sedalia, Marshall, Boonville Stage Line, Inc., by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Texarkana and Dallas, Tex., shall be 43.83 cents per great circle aircraft mile.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly

<sup>1</sup> As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f), it is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Trans-Texas Airways, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, and Trans-Texas Airways, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 68-12647; Filed, Oct. 16, 1968;  
8:51 a.m.]

**DELAWARE RIVER BASIN  
COMMISSION**

**COMPREHENSIVE PLAN**

**Notice of Public Hearing**

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, October 22, 1968. The hearing will take place in the Terrace Ballroom of the Pocono Manor Inn, Pocono Manor, Pa., beginning at 3 p.m. The hearing will be on the following subjects:

A. A proposal to amend section X of the Comprehensive Plan so as to add thereto the following statement of policy relating to water quality:

(2) *Nondegradation*. Where the quality of waters of the basin is better than the established stream quality objectives, such higher quality will be maintained, except that a change of quality may be approved when the project sponsor demonstrates affirmatively that it is justifiable for the purposes of necessary economic or social development and will not impair or preclude stream quality required for present or anticipated use of such waters. Any project which would result in a degradation of the quality of such waters shall provide for the best practicable degree of waste treatment so as to minimize water pollution and to maintain the highest practicable water quality. The Secretary of the Interior shall be informed of each project affected by this section prior to its approval under section 3.8 of the Compact and he shall be provided with such other information as may be necessary for the discharge of his responsibilities under the Federal Water Pollution Control Act.

B. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *City of Easton*. An increase in the allocation to the city of Easton, Northampton County, Pa., of water from the Delaware River from 7 to 10 million gallons daily. The water will be obtained through the city's existing intake system.

2. *Penns Grove Sewer Authority*. Modification of the existing sewage treatment plant serving Penns Grove, Salem County, N.J. Secondary treatment will be provided to a capacity of 750,000 gallons per day. Discharge will be to the Delaware River.

3. *Borough of Ambler*. A well water supply project to augment public water supplies in the Borough of Ambler, Montgomery County, Pa. Designated as well No. 10, the new facility is expected to yield 400 gallons per minute.

4. *Township of Moorestown*. A well water supply project to augment public water supplies in the township of Moorestown, Burlington County, N.J. Withdrawal from the new facility will be limited to 1,450,000 gallons per day.

5. *Hackettstown Municipal Utilities Authority*. A new sewage treatment plant to serve the town of Hackettstown and portions of Washington and Mount Olive Townships in Morris County, N.J., and a portion of Mansfield Township in Warren County, N.J. The new facility will provide secondary treatment for a design flow of 1.65 million gallons daily. Treated effluent will discharge to the Musconetcong River.

6. *Lake Lenape Water Co.* A well water supply project to augment public water supplies in the Lake Lenape area of Andover Township, Sussex County, N.J. Combined withdrawal from the two facilities would be limited to an average of 183,330 gallons per day.

7. *Horsham Township Authority*. A well water supply project to augment

public water supplies in Horsham Township, Montgomery County, Pa. Designated as well No. 9, the new facility is expected to yield 120 gallons per minute.

8. *Mount Penn Borough Municipal Authority*. A well water supply project to augment public water supplies in the Borough of Mount Penn, Berks County, Pa. Designated as well No. 14, the new facility is expected to yield 700 gallons per minute.

Documents relating to the above subjects listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission. (609) 883-9500.

W. BRINTON WHITALL,  
Secretary.

OCTOBER 10, 1968.

[P.R. Doc. 68-12584; Filed, Oct. 16, 1968;  
8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 409]

### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

#### Domestic Public Radio Services Appli- cations Accepted for Filing<sup>2</sup>

OCTOBER 14, 1968.

Pursuant to §§ 1.227(b) (3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date.

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any do-

mestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

#### APPENDIX

##### APPLICATIONS ACCEPTED FOR FILING

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

##### File No., applicant, and call sign

- 2074-C2-P-69—New Jersey Mobile Telephone Co., Inc.; (New); C.P. for a new two-way station to be located approximately 3.5 miles north of Boonton, N.J., to operate on frequency 454.20 MHz.
- 2075-C2-P-69—Albert W. Dale, Jr.; (New); C.P. for a new one-way station. Base frequency: 158.70 MHz. Location: Seventh and Grand Streets, Odessa, Tex.
- 1922-C2-R-69—New York Telephone Co.; (KC5161); Renewal of developmental license expiring Nov. 23, 1968. Term: Nov. 23, 1968 to Nov. 23, 1969.
- 2092-C2-P-69—General Communication System, Inc.; (KAD927); C.P. to add a new site to be identified as location No. 2: 125 North Market Street, Wichita, Kans., to operate on frequency 152.24 MHz.
- 2093-C2-AL-69—Audrey Edith Remillard, administratrix of the estate of Sam A. Remillard, deceased, doing business as Sam's Radio Communications Service; (KKM582); Consent to assignment of license from Audrey Edith Remillard, administratrix of the estate of Sam A. Remillard, deceased, doing business as Sam's Radio Communications Service, Assignor, to Western Mobilphone, Inc., Assignee. (Two-way station at Albuquerque, N. Mex.)
- 2111-C2-P-69—Southwestern Bell Telephone Co.; (KKE966); C.P. to add a sixth base channel to operate on frequency 152.72 MHz at its station located 0.2 mile north of junction of U.S. Highway No. 66 with West 51st Street, Tulsa, Okla.
- 2112-C2-P-69—Anserphone of Kansas City, Inc.; (KAF245); C.P. to change antenna location from Mayfair Hotel, 122-24 Linwood Boulevard, Kansas City, Mo., to Commerce Tower Building, Ninth and Main Streets, Kansas City, Mo., operating on frequency 43.58 MHz.
- 2113-C2-P-69—Radio and Electronic Service Co., Inc.; (New); C.P. for a new one-way station. Frequency: 152.24 MHz. Location: 5 Robin Wood Drive, Fort Walton Beach, Fla.
- 2114-C2-P-69—Leo Vincent Carmody; (New); C.P. for a new one-way station. Frequency: 158.70 MHz. Location: North Beacon Mountain, Fishkill, N.Y.
- 2116-C2-P-69—Central Mobile Radio Phone Service; (KQD599); C.P. to relocate the 152.15 MHz facilities to a new site to be identified as location No. 2: 2200 Victory Parkway, Cincinnati, Ohio.
- 2118-C2-AL-69—Radio Pocket Page, Inc.; (KOA796); Consent to assignment of license from Radio Pocket Page, Inc., Assignor, to Airsignal International, Inc., Assignee (one-way) station at Portland, Ore.
- 2117-C2-AL-69—Telephone Answering Service, Inc.; (KKG561); Consent to assignment of license from Telephone Answering Service, Inc., Assignor, to Airsignal International, Inc., Assignee. (One-way) station at Houston, Tex.
- 2119-C2-AL-69—Telephone Answering Service, Inc.; (KKE964); Consent to assignment of license from Telephone Answering Service, Inc., Assignor, to Airsignal International, Inc., Assignee. (Two-way) station at Houston, Tex.
- 2120-C2-AL-69—Telephone Answering Service, Inc.; (KKG441); Consent to assignment of license from Telephone Answering Service, Inc., Assignor, to Airsignal International, Inc., Assignee. (Two-way) station at Fort Worth, Tex.
- 2121-C2-AL-69—Telephone Message Exchange, Inc.; (KGC591); Consent to assignment of license from Telephone Message Exchange, Inc., Assignor, to Airsignal International, Inc., Assignee. (Two-way) station at Wilmington, Del.
- 2122-C2-AL-69—Bruce Graham; (KLB710); Consent to assignment of license from Bruce Graham, Assignor, to Jim Mayfield, Assignee. (Two-way) station at Clayton, N. Mex.
- 2125-C2-P-69—Capital Mobile Radio Service, Inc.; (KEC937); C.P. to add an additional base channel, to operate on 152.09 MHz at its station located Heltersburg Mountain, approximately 2 miles west of New Salem, N.Y.
- 2126-C2-AL-69—Page-Boy, Inc.; (KAA285); Consent to assignment of license from Page-Boy, Inc., Assignor, to Airsignal International, Inc., Assignee. (Two-way) station at St. Paul, Minn.
- 2127-C2-AL-69—Page-Boy, Inc.; (KAA887); Same as above.
- 2128-C2-AL-69—Page-Boy, Inc.; (KAH661); Same as above except (one-way-signaling) station at Minneapolis, Minn.

#### MAJOR AMENDMENT

- 758-C2-P-69—The Chesapeake and Potomac Telephone Co. of Virginia; (KIB529); Change base station frequency of proposed fourth channel from 152.75 MHz to 152.60 MHz at location No. 2: 1619 Logan Street (Bon Air), Richmond, Va. Change additional test frequency from 158.01 MHz to 157.86 MHz at location No. 1: All other particulars same as reported on public notice dated Aug. 12, 1968, Report No. 400.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—CONTINUED

- 2101-C1-P-69—American Telephone and Telegraph Co.; (KQA51); Add 3950 MHz toward Springboro, Ohio, at station located 215 West Second Street, Dayton, Ohio.
- 2102-C1-P-69—American Telephone and Telegraph Co.; (KQA50); Add 3950 MHz toward White Oak, Ohio, at station located 2.75 miles northeast of Springboro, Ohio.
- 2103-C1-P-69—American Telephone and Telegraph Co.; (KQA49); Add 3990 MHz toward Cincinnati, Ohio, at station located 1 mile south of White Oak, Ohio.
- 2076-C1-P/L-69—Maine Telephone Co.; (KTQ60); C.P. and license to operate station KTQ60, Swans Island, Maine (formerly licensed to Eastern Telephone Co.) toward existing station at East Surry, Maine. Location: 1.5 miles northwest of town of Swans Island, Maine.
- 2077-C1-P/L-69—Maine Telephone Co.; (KCK69); C.P. and license to operate station KOK69, Matinicus Island, Maine (formerly licensed to Eastern Telephone Co.) toward existing station at Benner Hill, Maine. Location: Matinicus Island, Maine.
- 2078-C1-P/L-69—Maine Telephone Co.; (KTQ61); C.P. and license to operate station KTQ61, Surry, Maine (formerly licensed to Eastern Telephone Co.) toward existing station at Swans Island, Maine. Location: 2.4 miles east of Surry, Maine.
- 2079-C1-P/L-69—Maine Telephone Co.; (KCK68); C.P. and license to operate station KCK68, Benner Hill, Maine (formerly licensed to Eastern Telephone Co.) toward Matinicus Island, Maine. Location: Benner Hill, 1 mile northwest of Rockland, Maine.
- 2080-C1-P/L-69—Michigan Bell Telephone Co.; (KW180); C.P. and license to add frequency 6049 MHz toward Plymouth, Mich., at station located 1365 Cass Avenue, Detroit, Mich.
- 2081-C1-P/L-69—Michigan Bell Telephone Co.; (KQA79); C.P. and license to add 11190 MHz toward Ann Arbor, Mich., at station located 4 miles west of Plymouth, Mich.
- 2082-C1-P-69—Puerto Rico Telephone Co.; (WWR74); C.P. to add frequencies 2116.0 and 2128.0 MHz toward La Torrecilla, P.R., at station located 607 Cerra Street, San Juan, P.R.
- 2083-C1-P-69—Puerto Rico Telephone Co.; (New) C.P. for a new fixed station. Frequencies: 2162.0, 2166.0, 2170.0, 2174.0, and 2178.0 MHz. Location: 2 miles northwest of Barranquitas, P.R.
- 2084-C1-P-69—Puerto Rico Telephone Co.; (New); C.P. for a new fixed station. Frequency: 2120.0 MHz. Location: State Road No. 156, Orocovis, P.R.
- 2085-C1-P-69—Puerto Rico Telephone Co.; (New); C.P. for a new fixed station. Frequency: 2112.0 MHz. Location: 65th Infantry Street, Barranquitas, P.R.
- 2086-C1-P-69—Puerto Rico Telephone Co.; (New); C.P. for a new fixed station. Frequency: 2124.0 MHz. Location: State Road No. 778, Comerio, P.R.
- Illinois Bell Telephone Co.; Waiver of the nonrenewable clause of the existing license and a renewal of this license for a period of 4 months from the present expiration date requested. Stations:
- 3206-C1-R-69—Illinois Bell Telephone Co.; (KSV70); Goodings Grove, Ill.
- 3204-C1-R-69—Illinois Bell Telephone Co.; (KYJ20); Joliet, Ill.
- 3205-C1-R-69—Illinois Bell Telephone Co.; (KYJ21); Lombard, Ill.
- 3207-C1-R-69—Illinois Bell Telephone Co.; (KYJ23); Des Plaines, Ill.
- POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)
- 2104-C1-P-69—Frank K. Spain, doing business as Microwave Service Co.; (New); C.P. for a new station to be located at 1960 Union Avenue, Memphis, Tenn., latitude 35°08'07" N—longitude 89°59'45" W., to operate on frequency 6212.5 MHz on azimuth 125°00'.
- 2105-C1-P-69—Frank K. Spain, doing business as Microwave Service Co.; (New); C.P. for a new station to be located at 7.6 miles east of Olive Branch, Miss., latitude 34°57'16" N—longitude 89°41'19" W., to operate on frequency 5945.0 MHz toward existing station at Ashland, Miss., on azimuth of 105°30'.
- 2106-C1-P-69—Frank K. Spain, doing business as Microwave Service Co.; (KUV90); C.P. to add frequency 6162.0 MHz toward existing station at Keownville, Miss., on azimuth of 134°15' at station located 3.6 miles west-northwest of Ashland, Miss.
- 2107-C1-P-69—Frank K. Spain, doing business as Microwave Service Co.; (KLN74); C.P. to add frequency 6360.0 MHz toward existing station at Tupelo, Miss., on azimuth 148°00' at station located 3.6 miles north-northeast of Keownville, Miss. (Informative: Applicant proposes to modify facilities to provide existing customer, WTVV, Inc., in Tupelo, Miss., with NBC Network signal via direct interconnection with station WMC-TV, Memphis, Tenn., in lieu of present off-the-air pickup service.)

CORRECTION

1022-C2-P-69—Five Area Telephone Cooperative, Inc.; (KLB765); Correct entry to read C.P. to add a second base channel to operate on frequency 152.60 MHz. All other particulars to remain same as reported on public notice dated Sept. 3, 1968, Report No. 408.

1467-C2-P-69—Telephone & Radio Answering Service, Inc.; (KKG561); Correct entry to read: C.P. to add 3A2 emission for presently licensed base station transmitter and to add transmitter on frequency 35.22 MHz for 15F2 and 16F3 emission. All other particulars same as indicated in Report No. 405, dated Sept. 16, 1968.

RURAL RADIO SERVICE

2073-C1-P/L-69—South Central Bell Telephone Co.; (New); C.P. and license for a new rural subscriber fixed station. Subscriber: Sam DeMarco, Location: Approximately 13.5 miles southeast of Coocodid, La. Frequency: 157.95 and 158.01 MHz.

2088-C1-P/L-69—South Central Bell Telephone Co.; (New); C.P. and license for a new rural subscriber fixed station. Subscriber: Gulf Oil Co., Location: 5 miles southeast of Buras, La. Frequency 157.83 MHz.

2089-C1-P/L-69—South Central Bell Telephone Co.; (New); C.P. and license for a new rural subscriber fixed station. Subscriber and location: W. T. Burton Industries, Approximately 5 miles east-northeast of Morgan City, La. Frequency: 157.77 MHz.

2093-C1-AL-69—Audrey Edith Remillard, administratrix of the estate of Sam A. Remillard, deceased, doing business as Sam's Radio Communications Service; (KLR45); Consent to assignment of license from Audrey Edith Remillard, administratrix of the estate of Sam A. Remillard deceased, doing business as Sam's Radio Communications Service, Assignor, to Weteran Mobilphone, Inc., Assignee.

Renewals of licenses expiring Nov. 1, 1968. Term: Nov. 1, 1968, to Nov. 1, 1973.

Licensee	Call sign	Licensee	Call sign
Boyce Electronics	KLU56	San Juan Radio Telephone Corp	WWX90
Churchill County Telephone & Telegraph Co.	KPZ93	Southeastern Electronics	KJL98
Do		CORRECTION	
Colton Telephone Co.	KVD90	General Telephone Co. of California	KVH64
Lemhi Telephone Co.	KPZ62	nia. (Entry previously listed as California Water & Telephone Co.	
Do	KFP25	See public notice dated Oct. 7,	
Olney Communications, Inc.	KSQ52	1968, Report No. 408, Page 11.)	
The Ritchie Telephone Co.	KTQ63		

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

- 2087-C1-P-69—Southeastern Telephone Co.; (New); C.P. for a new fixed station, to operate (two units) in any temporary fixed location within territory of the grantee. Frequencies: 5925-6425 MHz.
- 2094-C1-MP-69—New England Telephone & Telegraph Co.; (KCK52); Modification of C.P. to change antenna system operating on frequencies 5974.8, 6093.5, 10715, and 11155 MHz at station located 12 South Street, Concord, N.H.
- 2095-C1-MP-69—New England Telephone & Telegraph Co.; (KZI59); Modification of C.P. to change antenna system operating on 5997.1, 6160.2, 11245.0, 11385.0, 11425.0, and 11685.0 MHz at its station located 1 mile north of Dunbarton, N.H.
- 2096-C1-P-69—The Lincoln Telephone and Telegraph Co.; (KAR71); C.P. to add frequency 3990.0 MHz toward Gretna, Nebr., at station located 1440 M Street, Lincoln, Nebr.
- American Telephone and Telegraph Co.; C.P.'s (7) to construct a telephone channel from Alexandria to Cincinnati, Ohio.
- 2097-C1-P-69—American Telephone and Telegraph Co.; (KQB42); Add 3870 MHz toward New California, Ohio, at station located Alexandria, 3.75 miles east of Johnstown, Ohio.
- 2098-C1-P-69—American Telephone and Telegraph Co.; (KQL35); Add 3910 MHz toward Urbana, Ohio, at station located 3 miles east of New California, Ohio.
- 2099-C1-P-69—American Telephone and Telegraph Co.; (KQL36); Add 3870 MHz toward Springfield, Ohio, at station located 5.8 miles north-northeast of Urbana, Ohio.
- 2100-C1-P-69—American Telephone and Telegraph Co.; (KQA52); Add 3910 MHz toward Dayton, Ohio, at station located Springfield, Mad River Township, Ohio.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)—continued

TransAmerican Microwave, Inc.; Consent to assignment of construction permit and license from TransAmerican Microwave, Inc., Assignor, to Microwave Transmission Corp., Assignee, for the following stations.

2108-C1-AP/AL-(8)-69—TransAmerican Microwave, Inc.; (KNK60) Mount Lowe, approximately 5.5 miles north of San Luis Obispo, Calif. (188-C1-R-66 and 7880-C1-ML-66); (KNL31) Fremont Peak, Calif., (3704-C1-R-66); (KNL46) Mount Chual, Calif. (5950-C1-ML-68); (KNL77) Calandra Peak, Calif. (5949-C1-ML-68); (KTR 45) Bakersfield, Calif. (6860-C1-L-67); (KTR46) Frazier Peak, Calif. (6861-C1-L-67); (KVH57) San Bruno Mountain, Calif. (4240-C1-MP-68); (KVU78) Broadcast Peak, Calif. (4675-C1-ML-68).

## MAJOR AMENDMENT

3324-C1-P-68—Frank K. Spain, doing business as Microwave Service Co.; (New); Application amended to add frequencies 11,285 and 11,525 MHz toward Iron Mountain, Calif.  
3325-C1-P-68—Frank K. Spain, doing business as Microwave Service Co.; (New); Application amended to (a) add frequencies 10,715 and 10,955 MHz toward new point of communication at Famoso, Calif., on azimuth 259°00' and (b) add frequencies 5975.0, 6034.0, 6094.0, 6153.0, and 10715 MHz all via power split, toward new point of communication at Porterville, Calif., on azimuth of 337°35'. (Informative: Applicant proposes to (a) provide the TV signals of stations KTLA-TV, KHJ-TV, KTTV-TV, KCOP-TV, and KCET-TV, all of Los Angeles, Calif., to Bakersfield Cable TV, Inc., in Porterville, Calif., and (b) provide the TV signals of station KCET-TV and KMEX-TV, both of Los Angeles, to Kern Cable Co. in Famoso, Calif.) All other particulars same as reported on public notice dated Sept. 23, 1968, and Jan. 15, 1968.

[F.R. Doc. 68-12648; Filed, Oct. 16, 1968; 8:51 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. E-7404]

## ARIZONA PUBLIC SERVICE CO.

## Notice of Application

OCTOBER 9, 1968.

Take notice that Arizona Public Service Co. (Applicant) has filed an application seeking authority pursuant to section 203 of the Federal Power Act to sell an undivided interest in two transformers at the company's so-called Four Corners Generating Plant on The Navajo Reservation in San Juan County, N. Mex.

Pursuant to an agreement dated August 15, 1968, Applicant has agreed to sell an aggregate undivided 45.56 percent interest in No. 1 and No. 2 230/345-kv. bus tie transformers at its Four Corners Plant to Southern California Edison, Public Service Co. of New Mexico, El Paso Electric Co., and Salt River Project Agricultural Improvement and Power District. The Purchase price to be paid to Applicant is to be 45.56 percent of \$945,511 or \$430,775. Each participant shall pay Applicant the following amounts:

Southern California Edison Co.....	\$32,715
Public Service Co. of New Mexico....	118,567
El Paso Electric Co.....	4,728
Tucson Gas & Electric Co.....	4,728
Salt River Project Agricultural Improvement and Power District.....	270,037
Total .....	430,775

After the sale of the 45.56 percent undivided interest of these transformers, they will then be used to serve as a path for the transfer of electric power and energy for Applicant, Public Service Co. of New Mexico and the Salt River Project between the 230-kv. and 345-kv. switchyards and also to serve as the auxiliary power source for the two new 755-mw. units (Units No. 4 and No. 5) of the Four Corners Project.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October

30, 1968 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 68-12577; Filed, Oct. 16, 1968; 8:45 a.m.]

[Docket No. CP67-340 etc.]

## CITIES SERVICE GAS CO., ET AL.

## Order Consolidating Proceedings and Waiving the Requirements

OCTOBER 9, 1968.

Cities Service Gas Co. et al., Docket No. CP67-340 et al., Secretary of the Army, applicant, Docket No. CP69-80.

On September 20, 1968, the Secretary of the Army (Army), filed an application in Docket No. CP69-80 pursuant to section 7(a) of the Natural Gas Act (Act), requesting that the Commission order Cities Service Gas Co. (Cities Service) to establish physical connection of its transportation facilities with the existing and proposed distribution facilities to be constructed by the Army at Fort Leonard Wood, Mo., and to sell to the Army at those connections certain specified volumes of natural gas.

The Army in its application supports the proposal reflected in the application filed by the cities of Bourbon, Mo. et al., at Docket No. CP68-227. Bourbon's application has already been consolidated in these proceedings by order issued September 18, 1968. The proposal made therein is offered as an alternative to that proposed by Cities Service in its application for a certificate of public convenience and necessity in Docket No. CP67-340. The Army in its application not only lends its support to the construction of the lateral proposed by the city of Bour-

bon<sup>1</sup> but states that it will make a contribution thereto on the basis of Cities Service's lateral line policy.<sup>2</sup> The Army makes it clear, however, that its request is contingent upon the availability to it of Zone 2 rates from Cities Service.

The market data submitted by the Army indicates that its total third year annual requirements will be 3,117,446 Mcf at 14.65 p.s.i.a. and that its third year peak day requirements will be 30,524 Mcf.

On September 20, 1968, concurrently with the filing of its application, pursuant to section 7(a) of the Act, the Army filed a petition requesting a waiver from the provisions of § 159.1 of the Commission's regulations under the Act. The latter section requires that a fee of \$50 accompany an application requesting the issuance of an order under section 7(a) of the Act. The Army alleges in its petition that the Secretary of the Army, in filing the petition, is acting in his official capacity and that the section 7(a) application accompanying the request for waiver constitutes a transaction involving the official business of the Government.

The statute which enabled the Commission to promulgate § 159.1 as a part of its regulations under the Act makes provision for one exception.<sup>3</sup> It prescribes that "those engaged in the transaction of official business of the Government" be excepted from the fees that are otherwise to be charged by the agencies of the Federal Government under the authorizing statute. The filing made by the Army under section 7(a) clearly appears to be within the excepted category and the Commission will not require that the Army pay the prescribed fee for the filing of its application pursuant to section 7(a) of the Act.

On September 24, 1968, the Army filed a motion requesting that its application, filed pursuant to section 7(a) of the Act, at Docket No. CP69-80, be consolidated with the proceedings entitled Cities Service Gas Co. et al., Docket No. CP67-340 et al. There are in these proceedings certain common issues of both fact and law; hence, the Commission will order that they be heard on a consolidated record.

The Commission finds:

(1) The applications of Cities Service Gas Co. et al. (CP67-340 et al.) and the Secretary of the Army (CP69-80) are interdependent and should be consolidated for purposes of hearing.

(2) The application filed by the Secretary of the Army (CP69-80), pursuant

<sup>1</sup> The proposed lateral is fully described in the exhibits attached to the city of Bourbon's application at Docket No. CP68-227.

<sup>2</sup> On Aug. 28, 1968, Cities filed a change in its tariff providing for a new lateral line policy. By order issued in Docket No. RP68-9, on Sept. 27, 1968, the Commission suspended this change for one day and permitted it to become effective thereafter subject to refund. The propriety of Cities' change of policy was stated at that time, to be an issue in these consolidated proceedings.

<sup>3</sup> See Public Law 137, Title V, section 501, 65 Stat. 290, 31 U.S.C. 483a.

to section 7(a) of the Act, should be excepted from the fee requirement prescribed by section 159.1 of the Commission's regulations under the Natural Gas Act for such a filing.

The Commission orders:

(A) The applications of the Secretary of the Army (CP69-80) and Cities Service Gas Co. (CP67-340) are consolidated for purposes of hearing.

(B) The fee requirements specified under section 159.1 of the Commission's regulations under the Natural Gas Act is waived with respect to the filing made by the Secretary of the Army at Docket No. CP69-80.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Acting Secretary.

[F.R. Doc. 68-12578; Filed, Oct. 16, 1968;  
8:45 a.m.]

[Docket No. CP69-90]

**MICHIGAN WISCONSIN PIPE LINE CO.**  
**Notice of Application**

OCTOBER 9, 1968.

Take notice that on October 2, 1968, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-90 an application pursuant to section 7(c) of the Natural Gas Act and section 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 12-inch gas supply lateral to attach natural gas reserves which it has contracted to purchase in the Eugene Island Area, Off-shore Louisiana. The proposed construction will approximate 10.2 miles in length and will connect the natural gas reserves in Block 259, owned by Shell Oil Co. and under contract for sale to Applicant, with Applicant's 12-inch gas supply lateral extending to Block 231, Eugene Island Area.

Applicant states that the proposed construction will increase utilization of Applicant's offshore facilities and will enable it to meet customer requirements and replace reserves as they are delivered to market.

Total estimated cost of the proposed construction is \$1,914,000 including the cost of constructing a measuring station and filing fees. Applicant proposes to finance construction with funds on hand or funds which will be generated internally.

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 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 68-12579; Filed, Oct. 16, 1968;  
8:45 a.m.]

[Docket No. CP69-89]

**TEXAS EASTERN TRANSMISSION  
CORP.**

**Notice of Application**

OCTOBER 9, 1968.

Take notice that on October 2, 1968, Texas Eastern Transmission Corp. (Applicant), Southern National Bank Building, Houston, Tex. 77002, filed in Docket No. CP69-89 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1969, and the operation of certain natural gas facilities to enable Applicant to take into its pipeline system natural gas which will be purchased from producers and other similar sellers in the general area of Applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system.

The total cost of the facilities proposed herein is not to exceed \$2 million, with no single onshore project costing in excess of \$500,000. Applicant requests the waiver of the single project cost limitation contained in section 2.58 (a) (2) of the Commission's rules of practice and procedure, and seeks authorization to construct offshore purchase facilities in which the total cost of any single project will not exceed \$750,000.

Protests or petitions to intervene may be filed with the Federal Power Com-

mission, 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 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 68-12580; Filed, Oct. 16, 1968;  
8:45 a.m.]

**FEDERAL RESERVE SYSTEM**

**FEDERAL OPEN MARKET COMMITTEE**

**Current Economic Policy Directive**

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on July 16, 1968.<sup>1</sup>

The information reviewed at this meeting indicates that over-all economic activity continued to expand rapidly in the second quarter, with inventory accumulation accelerating while the rise in capital outlays and in consumer spending slowed. The new fiscal restraint measures are expected to contribute to a considerable moderation of the rate of advance in aggregate demands. Industrial prices have been increasing less rapidly than earlier but consumer prices have continued to rise substantially and wage pressures remain strong. Growth in bank credit and time and savings deposits has been moderate on average in recent months; growth in the money supply has been larger as U.S. Government deposits have been reduced. Conditions in money and capital markets have eased somewhat, mainly in response to the increase in fiscal restraint. Although there recently have been large inflows of foreign capital, the U.S. foreign trade balance and underlying payments position continue to be matters of serious concern. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to

<sup>1</sup> The Record of Policy Actions of the Committee for the meeting of July 16, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

sustainable economic growth, continued resistance to inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of forthcoming Treasury financing activity, System open market operations until the next meeting of the Committee shall be conducted with a view to accommodating the tendency toward somewhat less firm conditions in the money market that has developed since the preceding meeting of the Committee; *Provided, however,* That operations shall be modified, to the extent permitted by Treasury financing, if bank credit appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 9th day of October 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,  
Assistant Secretary.

[F.R. Doc. 68-12581; Filed, Oct. 16, 1968; 8:45 a.m.]

## FEDERAL OPEN MARKET COMMITTEE

### Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 1C(1) and paragraph 2 of the Committee's Authorization for System Foreign Currency Operations. The amendment to paragraph 1C(1) was adopted at the Committee's meeting on July 16, 1968, and became effective September 24, 1968. The amendment to paragraph 2 was adopted by vote of all available members (a majority) on July 2, 1968, effective that date, and ratified by action of the Committee at its meeting on July 16, 1968.

1. The Federal Open Market Committee authorizes and directs the Federal Reserve Bank of New York, for System Open Market Account, to the extent necessary to carry out the Committee's foreign currency directive:

C. To have outstanding forward commitments undertaken under paragraph A above to deliver foreign currencies, up to the following limits:

(1) Commitments to deliver foreign currencies to the Stabilization Fund, up to \$1 billion equivalent;

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of Regulation N, relations with foreign banks and bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank.....	100
National Bank of Belgium.....	225
Bank of Canada.....	1,000
National Bank of Denmark.....	100
Bank of England.....	2,000
Bank of France.....	700
German Federal Bank.....	1,000
Bank of Italy.....	750
Bank of Japan.....	1,000
Bank of Mexico.....	130
Netherlands Bank.....	400
Bank of Norway.....	100
Bank of Sweden.....	250
Swiss National Bank.....	600
Bank for International Settlements:	
System drawings in Swiss francs.....	600
System drawings in authorized European currencies other than Swiss francs.....	1,000

(NOTE.—For remainder of paragraph 1 of the authorization, see 33 F.R. 3665 (except for paragraph 1B(3), which appears at 33 F.R. 12344); for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.)

Dated at Washington, D.C., the 9th day of October 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,  
Assistant Secretary.

[F.R. Doc. 68-12582; Filed, Oct. 16, 1968; 8:45 a.m.]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations  
Temporary Regulation F-28]

### SECRETARY OF DEFENSE

#### Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a communications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*  
a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d), authority is delegated to the Secretary of Defense to represent the interest of the executive agencies of the Federal Government in proceedings before the Federal Communications Commission in connection with tariff revisions and other matters involving the Western Union Telegraph Co. as identified in the Commission's memorandum opinion and order adopted July 29, 1968, in Dockets Nos. 17554 and 18270.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General

Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

J. E. MOODY,  
Acting Administrator  
of General Services.

OCTOBER 9, 1968.

[F.R. Doc. 68-12615; Filed, Oct. 16, 1968; 8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

### ALCAR INSTRUMENTS, INC.

#### Order Suspending Trading

OCTOBER 11, 1968.

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

*It is ordered,* Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 14, 1968, through October 23, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-12599; Filed, Oct. 16, 1968; 8:47 a.m.]

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Suspending Trading

OCTOBER 11, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 14, 1968, through October 23, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 68-12600; Filed, Oct. 16, 1968; 8:47 a.m.]

[File No. 1-4371]

**WESTEC CORP.****Order Suspending Trading**

OCTOBER 11, 1968.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded

otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such

securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 14, 1968, through October 23, 1968, both dates inclusive.

By the Commission.

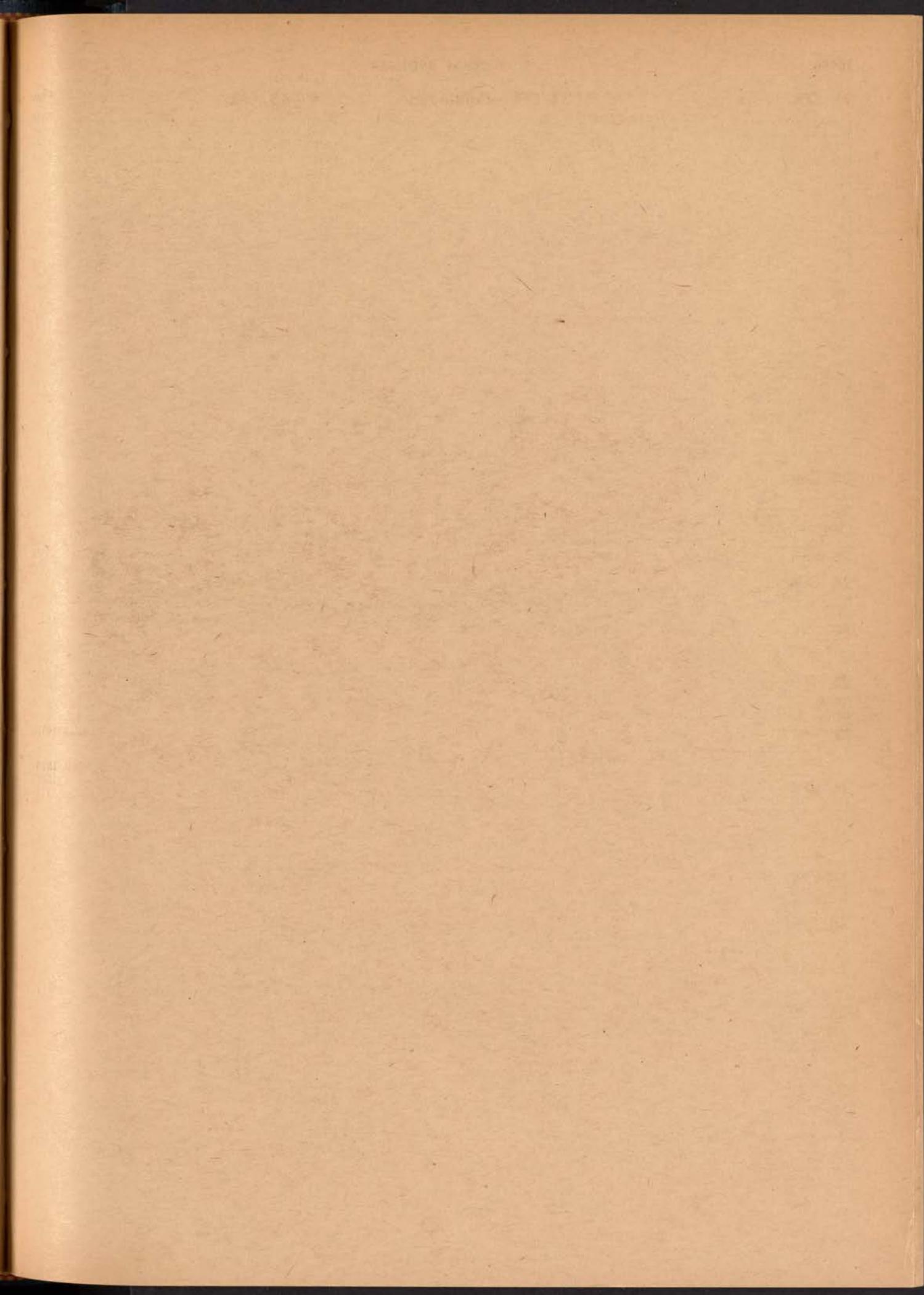
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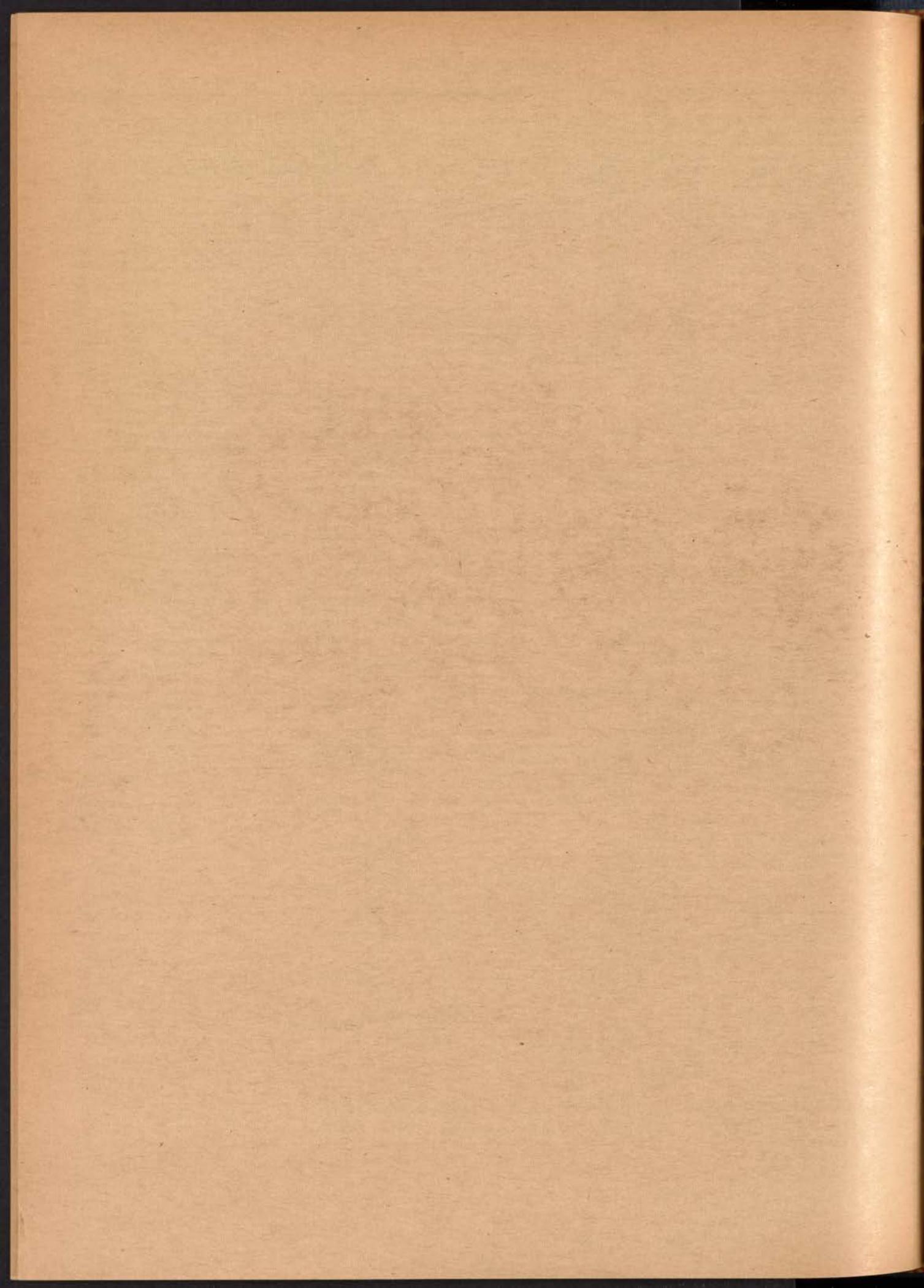
ORVAL L. DuBOIS,  
Secretary.[F.R. Doc. 68-12601; Filed, Oct. 16, 1968;  
8:47 a.m.]**CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER**

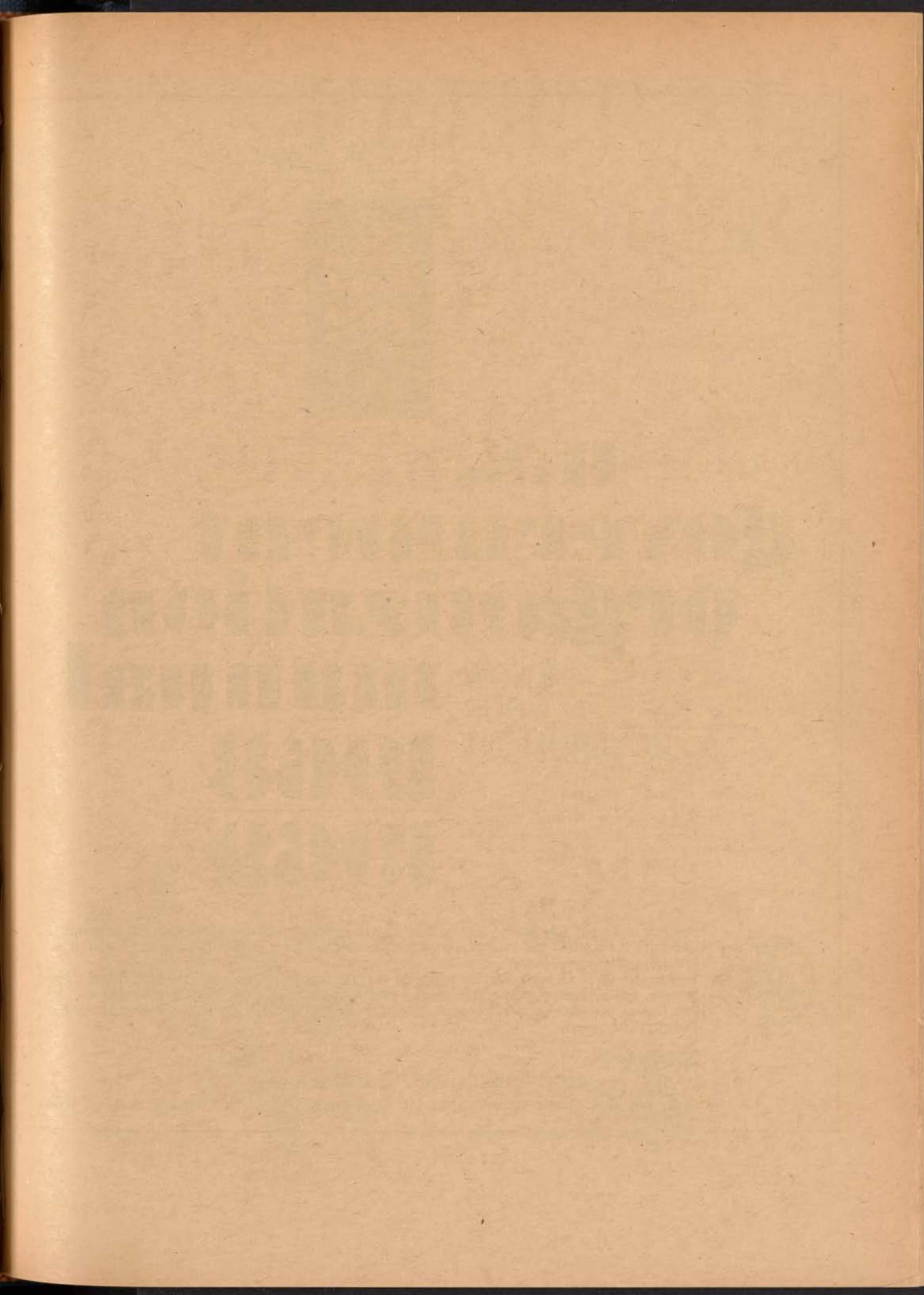
The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during October.

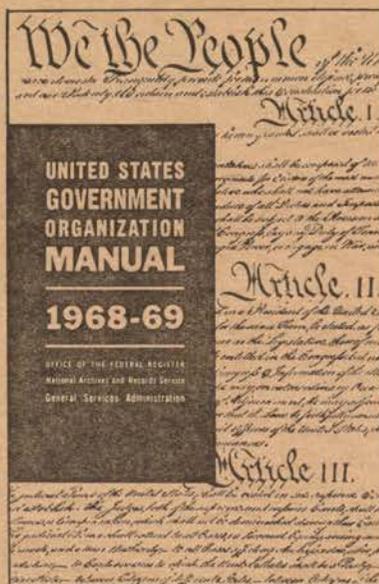
3 CFR	Page	7 CFR—Continued	Page	14 CFR—Continued	Page
<b>PROCLAMATIONS:</b>					
3872	14617	908	14714	37	15344
3873	14695	919	15343	39	14887, 15125, 15219
3874	14859	932	15253	71	14647,
3875	14941	947	14970		14716, 14785, 14887, 15069, 15125,
3876	15049	959	15214		15126, 15259, 15260, 15434.
3877	15275	966	15343	73	15126
3878	15327	980	15432	151	14887, 15435
See Proc. 3879	15329	982	15125, 15215	Ch. II	15260
3879	15329	984	15254	207	14888
<b>EXECUTIVE ORDERS:</b>					
March 8, 1920 (revoked in part by PLO 4529)	14882	1004	15215	211	14717
April 17, 1926 (revoked in part by PLO 4529)	14882	1009	14784, 15069	225	15220, 15346
11431	14697	1033	15254	241	14717
		1036	14784, 15069	288	14785
		1097	15433	296a	15260
		1104	14884, 15256	302	14717, 14723
		1108	14886	399	14717
<b>5 CFR</b>					
213	14777, 14876, 15331	<b>8 CFR</b>			
550	15199	103	15200	<b>15 CFR</b>	
<b>7 CFR</b>					
26	14619	204	15200	7	14642
51	14620	238	15200	1000	15158
52	15199	<b>9 CFR</b>			
101	14699	78	14700	<b>16 CFR</b>	
210	15243	83	15108	13	15016-
220	15107	<b>PROPOSED RULES:</b>			
225	15405	311	15433		15020, 15061-15065, 15110, 15278,
318	14621	318	15027		15279, 15414, 15415.
362	15294	<b>12 CFR</b>			
722	15405, 15406	1	15335	15	14637, 15020, 15021, 15199, 15200
777	14676	204	14648	245	15021
850	14624	217	14648	<b>PROPOSED RULES:</b>	
855	14699	541	15262	247	14648
864	15013	545	15262	<b>17 CFR</b>	
874	14876	<b>PROPOSED RULES:</b>			
905	15243, 15294	204	14648	239	14652
909	15295	217	14648	240	14652
910	14943, 15244	541	15262	249	14652
947	15295	545	15262	270	15262
948	15052	<b>14 CFR</b>			
989	14777, 15331	25	15410	<b>18 CFR</b>	
1033	15407	39	14636,	2	14943
1062	14625, 15107		14777, 14778, 14861, 14943, 15200,	14	14943
1071	15107		15244, 15410, 15411.	154	14638
1133	15108			157	14638
1427	15015	71	14701,	401	15336
1443	15331		14778, 14861, 14862, 15108, 15109,	<b>19 CFR</b>	
1488	15052, 15408		15245, 15412.	4	15021
<b>PROPOSED RULES:</b>					
68	15432	75	14701	5	15022
319	15253	95	15245, 15412	6	15022
362	15214	97	14862, 15001, 15051, 15201	8	14958
815	15027	103	14876, 14935, 15412	16	15111
907	14710	291	15212	24	15022
		399	15413		

21 CFR	Page	32 CFR—Continued	Page	43 CFR	Page
1	15023, 15113, 15280	5	15387	1840	15066
8	15280	7	15388	1850	15066
18	14640	9	15391	2230	15066
120	14640, 15024	10	15391	3530	15066
121	15113, 15114, 15281, 15415, 15416	13	15392	PUBLIC LAND ORDERS:	
130	15023	14	15392	3634 (revoked in part by PLO	
141	15282	16	15392	4526)	14881
144	15113	18	15393	4210 (revoked in part by PLO	
146	15023	19	15393	4524)	14880
301	14818	30	15400	4270 (corrected)	15251
302	14819	50	15338	4524	14880
303	14826	51	15213	4525	14881
305	14827	827a	14953	4526	14881
306	14828	850	15404	4527	14881
307	14828	870	14957	4528	14881
315	14836	873	14957	4529	14882
316	14836	881	15247	4530	14883
319	14841	887	15404	4531	14883
320	14842, 14880	888	15404	4532	14883
PROPOSED RULES:		907	14958	4533	14883
46	15126	<b>32A CFR</b>		4534	14959
121	14647	BDSA (Ch. VI):		PROPOSED RULES:	
138	15219	M-43A		1720	14709
141b	15433			2220	14784
146b	15433				
<b>23 CFR</b>		<b>33 CFR</b>		<b>45 CFR</b>	
217	14636	67	15285	73	15290
255	14964, 15065	117	15025	<b>46 CFR</b>	
PROPOSED RULES:		<b>36 CFR</b>		31	14703
255	15028, 15029	21	14641	71	14703
275	14971	400	15379	91	14703
<b>24 CFR</b>		PROPOSED RULES:		PROPOSED RULES:	
0	15114	7	14710, 15297	536	15221
81	14779	<b>37 CFR</b>		<b>47 CFR</b>	
221	14880, 15212	PROPOSED RULES:		0	15290
1000	14880	1	15218	73	14703, 15067, 15068, 15291, 15292, 15417
1500	14953	<b>38 CFR</b>		74	15417
<b>25 CFR</b>		0	14780	81	14705
Ch. I	15067	3	15285, 15286	83	14705
131	14640	<b>39 CFR</b>		85	14705
PROPOSED RULES:		125	14780	PROPOSED RULES:	
151	15429	154	15416	73	14889, 15029, 15069, 15261
255	15431	155	15416	74	15072
<b>26 CFR</b>		161	15416	87	14724
1	14779	916	15026	<b>49 CFR</b>	
301	14779	955	15286	171	14920
PROPOSED RULES:		<b>41 CFR</b>		172	14920
1	14707, 14709, 15027	5A-72	15340	173	14920
<b>27 CFR</b>		5A-73	15340	174	14931
4	15024	8-2	14780	175	14932
<b>28 CFR</b>		8-3	14701	177	14933
45	14780	8-7	14701	178	14934
<b>29 CFR</b>		8-8	14701	1033	14706, 14959, 15120, 15122, 15341
1510	15284	8-16	14702	PROPOSED RULES:	
<b>31 CFR</b>		9-1	15250, 15289	1056	15030
257	14644, 15213	9-5	15289	1060	14972
PROPOSED RULES:		9-7	15250	1206	15346
209	15426	12-3	15112	1240	15346
<b>32 CFR</b>		101-26	14958	1249	15346
1	15380	PROPOSED RULES:		<b>50 CFR</b>	
2	15383	50-201	14971	32	14706, 14781-14783, 14960-14963, 15122-15124, 15251, 15252, 15424, 15425
3	15386	50-204	15028, 15297	33	15124, 15425
4	15387	<b>42 CFR</b>			
		81	14645		
		PROPOSED RULES:			
		74	15297		
		81	14886		









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